

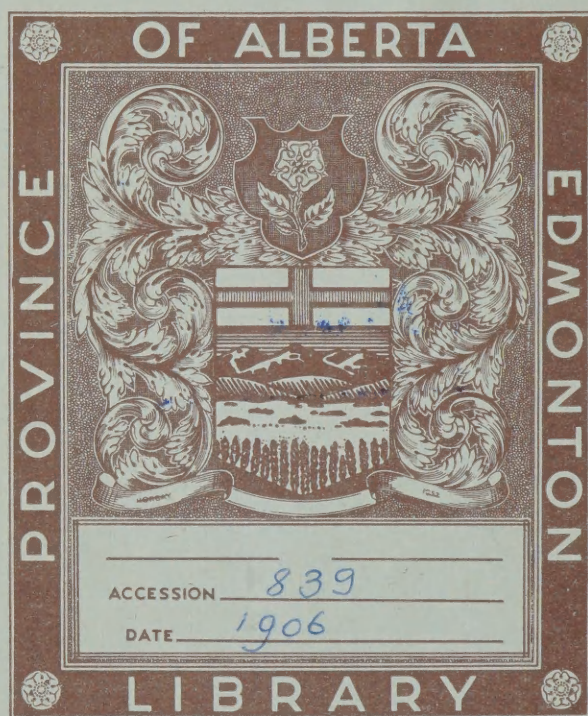
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ORDINANCES
OF
THE NORTH-WEST TERRITORIES

PASSED IN THE SECOND SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY

BEGUN AND HOLDEN AT REGINA ON THURSDAY, THE TWENTY-NINTH
DAY OF OCTOBER, AND CLOSED ON SATURDAY, THE
TWENTY-FIRST DAY OF NOVEMBER,

1903

(SECOND SESSION)



HIS HONOUR AMEDÉE EMMANUEL FORGET,
LIEUTENANT GOVERNOR

REGINA
JOHN A. REID, GOVERNMENT PRINTER
1903

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The North-West Territories

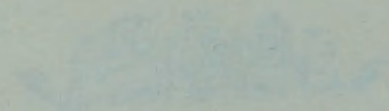
PRINTED IN THE NORTH-WEST TERRITORIES

ALBERTA
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FIFTH LEGISLATIVE ASSEMBLY

PRINTED AND BOUND AT SIOUX ON TUESDAY THE TWENTY-THIRD DAY OF DECEMBER AND CLOSED ON FRIDAY THE TWENTY-SEVENTH DAY OF DECEMBER

1903



THE NORTH-WEST TERRITORIES
LEGISLATIVE ASSEMBLY

PRINTED BY THE
GOVERNMENT OF THE NORTH-WEST TERRITORIES
1903

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1903

(Second session)

CHAPTER 1

An Ordinance for granting to the Lieutenant Governor certain Sums of Money for the Public Service for the Financial Years ending respectively the Thirty-first day of December, 1903, and the Thirty-first day of December, 1904.

[Assented to November 21, 1903.]

MAY IT PLEASE YOUR HONOUR:

WHEREAS it appears by message from His Honour Amedée Emmanuel Forget, the Lieutenant Governor of the North-West Territories, and the estimates accompanying the said Message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Territories not otherwise provided for during the financial years ending respectively the thirty-first day of December one thousand nine hundred and three and the thirty-first day of December one thousand nine hundred and four, and for other purposes relating thereto: May it therefore please Your Honour that it may be enacted and be it enacted by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories as follows:

1. This Ordinance may be cited as "*The Appropriation Ordinance 1903 (Second session).*" Short title

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and thirty thousand seven hundred and forty-one dollars towards defraying the several charges and expenses of the public service of the Territories for the financial year ending the thirty-first day of December in the year of Our Lord one thousand nine hundred and three not otherwise provided for and set forth in schedule A to this Ordinance and also for the other purposes in the said schedule mentioned. \$130,741.00 granted for year 1903

3. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole Nine hundred and fifty-nine thousand one hundred and fifty dollars towards defraying the several charges and expenses of the public service of the Territories for the financial year ending the thirty-first day of December in the year of Our Lord one thousand nine hundred and four not \$959,150.00 granted for year 1904

otherwise provided for and set forth in schedule B to this Ordinance and also for the other purposes in the said schedule mentioned.

Application
to be
accounted
for

4. The due application of all moneys expended under this Ordinance shall be accounted for.

SCHEDULE A.

SUMS granted to the Lieutenant Governor by this Ordinance for the financial year ending December 31, 1903, and the purposes for which they are granted:

CIVIL GOVERNMENT

PUBLIC WORKS DEPARTMENT

	\$	c.	\$	c.
Additional amount required for general expenses			1,000	00

LEGISLATION

Mr. Speaker's sessional allowance (second session)	500	00		
Deputy Speaker's sessional allowance (second session)	100	00		
Indemnity to members, including travelling expenses (second session)	19,000	00		
Clerk of the Legislative Assembly (second session)	400	00		
Page (second session)	50	00		
Postages and telegrams	75	00		
Contingencies	250	00		
			20,375	00

PUBLIC WORKS

To provide for the reconstruction of bridges over the Belly and Old Man rivers (expenditure to be recouped by Dominion Government)	34,000	00		
Construction of bridges, additional amount required	15,000	00		
Improvement of roads, additional amount required	15,000	00		
			64,000	00

EDUCATION

Grants to schools, additional amount required			25,000	00
---	--	--	--------	----

AGRICULTURE AND STATISTICS

To pay grants upon membership basis to the following Agricultural Societies: Central Saskatchewan, Innisfail, North-East Assiniboia and South-East Assiniboia			366	00
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MISCELLANEOUS

To provide for expenditure under The Hail Insurance Ordinance			20,000	00
			\$130,741	00

SCHEDULE B.

SUMS granted to the Lieutenant Governor by this Ordinance for the financial year ending December 31, 1904, and the purposes for which they are granted:

CIVIL GOVERNMENT

EXECUTIVE COUNCIL

	\$	c.	\$	c.
President of Council.....	500	00		
3 members of Council each at \$3,500.00.....	10,500	00		
Clerk of Council and Government Printer (also Deputy Treasurer).....				
Clerk.....	780	00		
Clerk, stenographer and typewriter.....	660	00		
Clerk, stenographer to President of Council.....	660	00		
Translator to Public Service (which may be paid to any member of the Public Service notwithstanding any thing contained in the Public Service Ordinance).....	300	00		
Messenger.....	600	00		
Government Printer.....				
Clerk, assistant to Government Printer..	900	00		
General expenses of Executive Council and Government Printer's Office.....	3,500	00		
			18,400	00

ATTORNEY GENERAL'S DEPARTMENT

Deputy Attorney General.....	2,300	00		
Clerk, correspondence and record.....	1,140	00		
Clerk.....	1,080	00		
Clerk, liquor licence administration.....	780	00		
Clerk, stenographer and typewriter.....	660	00		
Clerk, stenographer and typewriter.....	540	00		
General expenses of Attorney General's Department.....	1,500	00		
			8,000	00

TERRITORIAL SECRETARY'S DEPARTMENT

Deputy Secretary.....	1,500	00		
Clerk, stenographer and typewriter.....	600	00		
General expenses of Territorial Secretary's Department, including offices of the Legislative Assembly.....	500	00		
			2,600	00

TREASURY DEPARTMENT

Deputy Treasurer (also Clerk of the Executive Council and Government Printer).....	2,000	00		
Clerk and cashier.....	1,460	00		
Clerk and accountant.....	1,140	00		
Clerk.....	960	00		
Clerk.....	780	00		
Clerk.....	780	00		
Auditor.....	1,800	00		
Clerk and assistant auditor.....	1,140	00		
Clerk and bookkeeper.....	780	00		
Clerk.....	780	00		
General expenses of Treasury Department.....	750	00		
			12,370	00

PUBLIC WORKS DEPARTMENT

Deputy Commissioner (also Chief Engineer and Chief Surveyor).....	2,000	00		
Assistants (2) to Chief Engineer.....	3,500	00		
Assistant to Chief Surveyor.....	1,500	00		
Drainage engineer and surveyor.....	1,800	00		
Clerks, stenographers and assistants— 2 at \$960; 1 at \$840; 1 at \$780; 5 at \$720; 1 at \$660; 5 at \$600; 1 at \$480.....	11,280	00		
General expenses of Public Works Department.....	4,000	00		
			24,080	00

AGRICULTURE DEPARTMENT

	\$	c.	\$	c.
Deputy Commissioner (also Recorder of Brands).....	1,500	00		
Clerk, assistant to Recorder of Brands.....	1,000	00		
Clerk, record, stenographer and typewriter.....	840	00		
Clerk, stenographer and typewriter.....	840	00		
Clerk, stenographer and typewriter.....	780	00		
Clerk, stenographer and typewriter.....	660	00		
Clerk, statistical work and accounts.....	660	00		
Clerk, stenographer and typewriter.....	540	00		
Messenger (also paid \$45 per month as caretaker).....	180	00		
General expenses of Agriculture Department.....	2,500	00		
			9,500	00

DEPARTMENT OF EDUCATION

Deputy Commissioner.....	1,800	00		
Chief Clerk.....	1,200	00		
Clerk.....	1,060	00		
Clerk.....	1,060	00		
Clerk.....	720	00		
Clerk, stenographer and typewriter.....	660	00		
Clerk, stenographer and typewriter.....	600	00		
General expenses of Education Department.....	1,200	00		
			8,300	00

LEGISLATION

Mr. Speaker's sessional allowance.....	500	00		
Deputy Speaker's sessional allowance.....	100	00		
Indemnity to members, including travelling expenses.....	19,000	00		
Clerk of the Legislative Assembly.....	400	00		
Page.....	50	00		
Postage and telegrams..	75	00		
Library.....	750	00		
Newspapers and periodicals.....	250	00		
Contingencies.....	250	00		
			21,375	00

ADMINISTRATION OF JUSTICE.

SUPREME COURT

Sheriff attending Supreme Court <i>en banc</i>	100	00		
Clerks.....	5,000	00		
Court reporters.....	4,000	00		
Contingencies.....	100	00		
			9,200	00

MISCELLANEOUS JUSTICE

Prosecutions and legal proceedings.....	2,000	00		
Maintenance of persons confined under civil process and Ordinances.....	100	00		
Contingencies.....	100	00		
			2,200	00

ADMINISTRATION OF THE LIQUOR LICENCE ORDINANCE

Inspections.....	6,000	00		
Commissioners' meetings.....	1,500	00		
Advertising.....	250	00		
Contingencies.....	250	00		
			8,000	00

PUBLIC WORKS

Legislative and departmental buildings.....	7,500	00		
Normal schools.....	1,500	00		
Tools and implements.....	8,000	00		
Aid to Local Improvement Districts and Rural Municipalities.....	20,000	00		
Taxes on lands forfeited under provisions of Territorial Ordinances.....	1,500	00		
Inspection and superintendence of Public Works.....	5,000	00		
Inspection coal mines.....	2,000	00		
Inspection steam boilers.....	9,000	00		

	\$	c.	\$	c.
Fireguards.....	7,500	00		
Dams.....	2,000	00		
Boring and testing for water and providing public wells.....	30,000	00		
Ferry accommodation.....	15,000	00		
Ditches and drains.....	30,000	00		
Maintenance and repair of public works.....	50,000	00		
Construction of bridges.....	104,000	00		
Improvement of roads.....	100,000	00		
Survey of roads, drains, reservoirs and other lands required for public works and purchase of right of way.....	45,000	00		
Special grant to the Springbank Irrigation District, to be expended by Order in Council.....	10,000	00		
To provide for the reconstruction of bridges over the Belly and Old Man rivers (expenditure to be recouped by Dominion Government).....	50,000	00		
Contingencies.....	2,000	00		
			500,000	00

EDUCATION

Grants to schools.....	235,000	00		
Normal schools and teachers' institutes—				
Principal.....	1,800	00		
Assistant principal.....	1,600	00		
Teacher.....	1,400	00		
Teacher.....	900	00		
General expenses of normal schools and teachers' institutes.....	750	00		
Inspection of schools—				
Inspectors (7 for 12 months and 1 for 9 months—all at \$1,400 per annum).....	10,850	00		
Travelling expenses and subsistence.....	4,200	00		
Expenses of meetings of Educational Council.....	500	00		
Examinations.....	2,400	00		
Education, maintenance and transportation of deaf mutes.....	5,000	00		
Remuneration and expenses of persons appointed under clauses 1, 2 and 3 of section 7 of The School Ordinance.....	1,000	00		
Grant to Dominion Educational Association.....	200	00		
Contingencies.....	150	00		
			265,750	00

AGRICULTURE AND STATISTICS

Expenditure under The Agricultural Societies Ordinance.....	5,000	00		
To provide for expenses of judges at exhibitions.....	1,000	00		
To promote and encourage the importation and to develop the production and interchange of improved stock within the Territories.....	2,000	00		
To conduct experimental work in the Territories.....	500	00		
Destruction of gray or timber wolves (to be expended under regulations established by Order in Council).....	2,500	00		
Destruction of noxious weeds.....	7,000	00		
To provide for the preparation and publication of official brand book.....	250	00		
Collection and compilation of vital statistics.....	2,500	00		
Collection and compilation of agricultural, medical and other statistics.....	1,500	00		
To promote the work of agricultural and live stock institutes and associations.....	3,500	00		
Grant to Grain Growers' Association.....	300	00		
Grant to Purebred Cattle Breeders' Association.....	400	00		
Grant to Horse Breeders' Association.....	200	00		
Grant to Sheep Breeders' Association.....	100	00		
Grant to Swine Breeders' Association.....	100	00		
Contingencies.....	200	00		
			27,050	00

HOSPITALS, CHARITIES AND PUBLIC HEALTH

Expenditure under The Hospitals Ordinance.....	15,000	00		
Care of incurables.....	1,500	00		
Contingencies.....	2,500	00		
			19,000	00

MISCELLANEOUS

	\$	c.	\$	c.
Government Printer's advance (to provide for payment of all printing and binding done and stationery or office supplies purchased for the use of the Legislative Assembly or any Department of the Public Service).....	17,500	00		
Expenditure under the Elections Ordinance.....	250	00		
To provide for guarantee bonds upon Public Service.....	125	00		
Grant to Territorial Rifle Association.....	200	00		
Refunds.....	250	00		
Unforeseen and unprovided for (to be expended under Order in Council).....	5,000	00		
			\$23,325	00
			\$959,150	00

1903

(Second session)

CHAPTER 2

An Ordinance to amend Chapter 2 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting the Legislative Assembly of the Territories."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Sections 7, 8, 9, 11 and 12 of chapter 19 of the Statutes of Canada of 1888 and section 18 of chapter 17 of the Statutes of 1894 as that section is enacted by section 9 of chapter 28 of the Statutes of 1897 are hereby repealed. Ss. 7, 8, 9, 11 and 12 c. 19 Statutes of Canada 1888 and s. 18 of c. 17 Statutes of 1894 repealed
2. Section 2 of chapter 2 of the Ordinances of 1902 as amended by section 2 of chapter 4 of the Ordinances of 1903 (first session) is hereby repealed. S. 2, c. 2 Ordinances of 1902 repealed
3. Section 7 of *An Ordinance respecting the Legislative Assembly of the Territories* is hereby confirmed. Section 7 confirmed
4. The persons entitled to vote at an election for the Legislative Assembly shall be the male British subjects by birth or naturalisation (other than unenfranchised Indians) who have attained the full age of twenty-one years, who have resided in the Territories for at least twelve months and in the electoral district for at least the three months respectively immediately preceding the time of voting. Who may vote for members of Assembly
5. Any male British subject by birth or naturalisation shall be eligible for nomination and election. Who eligible for election
6. Members of the Legislative Assembly shall take and subscribe before the Lieutenant Governor or before such person as is designated by the Lieutenant Governor in Council the following oath of allegiance: Oath to be taken by members
"I, A.B. do swear that I will be faithful and bear true allegiance to His Majesty, his heirs and successors."
7. The Legislative Assembly on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be speaker. Election of speaker

Vacancy in
office of
speaker

(2) In case of a vacancy happening in the office of speaker by death, resignation or otherwise the Legislative Assembly shall proceed with all practicable speed to elect another of its members to be speaker.

Speaker to
preside

(3) The speaker shall preside at all meetings of the Legislative Assembly.

Persons
holding office
not to be
members

8. No person except the persons hereinafter mentioned who shall hold any office or place of profit under the Government or who shall be in any manner employed in the public service of the Territories for salary, wages, fees or emolument shall sit or vote in the Legislative Assembly; and the election of any such person to be a member of the Legislative Assembly shall be null and void but nothing in this section shall be construed to apply to the speaker or deputy speaker of the Legislative Assembly.

Members of
Executive
Council
holding office
not
disqualified

9. Notwithstanding the provisions hereinbefore contained it shall be lawful for the Lieutenant Governor from time to time to appoint any number of officers who shall be capable of being elected members of the Legislative Assembly and of sitting and voting therein: Provided always that such officers shall be members of the Executive Council.

Certain
officers
qualified

10. Until such appointments as aforesaid have been made the persons for the time being holding the offices of President of the Council, Attorney General, Territorial Treasurer, Territorial Secretary, Commissioner of Education, Commissioner of Public Works and the Commissioner of Agriculture shall be capable of sitting and voting in the Legislative Assembly.

Seat not to be
vacated by
ministers
changing
office

11. Where a person has been elected a member of the Legislative Assembly since his appointment as an officer capable of being elected a member of the Legislative Assembly the subsequent acceptance by him from the Crown of an appointment as any such officer in lieu of and in immediate succession the one office to the other shall not vacate his seat.

Persons
interested in
contract with
Government
not to be
member

12. No person who shall either directly or indirectly be concerned or interested in any bargain or contract entered into by or on behalf of the Government or who shall participate or claim to be entitled to participate either directly or indirectly in the profit thereof or in any benefit or emolument arising from the same shall sit or vote in the Legislative Assembly and the election of any such person to be a member of the Legislative Assembly shall be absolutely null and void.

Member
becoming
interested in
contract or
accepting
office of
emolument to
vacate seat

13. If any member of the Legislative Assembly shall either directly or indirectly become concerned or interested in any bargain or contract entered into by or on behalf of the Government or shall participate or claim to be entitled to participate whether directly or indirectly in the profit thereof or in any benefit or emolument arising from the same or shall accept any office or place of emolument under the Government

or shall in any character or capacity for or in expectation of any fee, gain or reward perform any duty, transact any business or do anything whatsoever for or on behalf of the Government his seat shall thereupon be vacant.

14. Nothing hereinbefore contained shall apply to any bargain or contract entered into by or with any company ^{Certain contracts excepted} where such bargain or contract shall be entered into for the general benefit of such company or to any lease, sale or purchase of any land or to any agreement for any such lease, sale or purchase of any building or land or for the loan of money or to any security for the payment of money only.

15. Any person who shall wilfully offend against any of ^{Penalties} the provisions hereof shall forfeit and pay for every such offence the sum of not less than \$100 and not more than \$500 on conviction thereof in a summary way before two justices of the peace.

1903

(Second session)

CHAPTER 3

An Ordinance to amend Chapter 4 of the Ordinances of 1901, intituled "An Ordinance respecting Public Works."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Sections 6, 8 and 9 repealed 1. Sections 6, 8 and 9 of *The Public Works Ordinance* are hereby repealed.

Section 15 amended 2. Section 15 of the said Ordinance is hereby amended by striking out the words "Lieutenant Governor in Council" where they occur therein and substituting therefor the word "commissioner."

New section 53 3. Section 53 of the said Ordinance is hereby repealed and the following substituted therefor:

Compensation fixed by arbitration in case of disagreement "53. The commissioner shall consider such claim for increased compensation and shall notify the claimant of his decision in respect thereto by registered letter.

(2) Such claimant if dissatisfied with the decision of the commissioner may within sixty days after being notified of the decision of the commissioner give notice in writing to the commissioner which may be by registered letter that he will submit the claim to arbitration and the said claim shall thereupon be submitted to arbitration and such arbitration shall be to two arbitrators under the provisions of *The Arbitration Ordinance*.

(3) If the claimant does not so notify the commissioner and make the deposit as in the next following subsection required within the said period of sixty days as in the next preceding subsection provided he shall be deemed to have accepted the commissioner's decision and shall not thereafter be at liberty to question it.

(4) The claimant shall with the notice of submission to arbitration deposit with the commissioner as security for the costs of the arbitration a sum equal to ten per cent. of the amount claimed by him but not in any event less than \$25.

(5) All costs and expenses of the arbitration shall be paid by the claimant unless the arbitrators shall award him a sum

at least ten per cent. greater than the amount fixed by the commissioner by his final decision and the commissioner shall be entitled to deduct his costs and expenses of the arbitration out of the moneys deposited by the claimant and the surplus, if any, shall be returned to the claimant.

(6) In the event of the claimant not being required to pay the commissioner's costs of the arbitration the full amount deposited by him shall be returned to him.

(7) The only costs allowable upon any arbitration under this section shall be arbitrators and witness fees.

(8) In estimating the amount to which the claimant is entitled the arbitrators shall consider, and find separately as to, the value of the land taken and of all improvements thereon the damage, if any, to the remaining property of the claimant and the original cost only of any extra fencing which may be necessary by reason of the taking of the land and if the value of the remaining property of the claimant is increased by reason of the construction of the public work through his property the increase of value shall be deducted from the amount so estimated and found and the balance, if any, shall be the amount awarded to the claimant."

4. If any one or more persons petition the commissioner for the opening of a road through any land and the commissioner is of opinion that such road may be reasonably opened for the convenience and benefit of such person or persons as aforesaid but that such road is not required in the interest of the public generally the commissioner may require the said person or persons to deposit with the territorial treasurer such sum as he considers sufficient to cover the cost of opening the road and paying compensation in connection therewith and if the said road or any road which in the opinion of the commissioner will be of equal or nearly equal convenience and benefit to such person or persons as aforesaid is thereafter opened the sum so deposited or so much thereof as may be necessary may be applied towards paying the expenses of opening the road and paying compensation in connection therewith and any balance which remains shall be repaid to such person or persons as aforesaid.

Opening of
road on
petition and
payment of
expenses

1903

(Second session)

CHAPTER 4

An Ordinance to amend Chapter 7 of the Ordinances of 1901, intituled "An Ordinance respecting Steam Boilers."

[Assented to November 21, 1903].

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 12
amended

1. Section 12 of *The Steam Boilers Ordinance 1901*, is hereby amended by adding thereto the following subsection :

"(4) Such inspection certificate shall be *prima facie* evidence of the due inspection of the boiler and of its fitness to be operated and the possession of such certificate shall authorise the operation of such boiler from the date of such certificate until its inspection in the next following year."

New section 29

2. Section 29 of the said Ordinance is hereby repealed and the following substituted therefor :

Provisional
certificate

"29. Any person on application and upon showing to the satisfaction of the commissioner that he has been engaged in the operation of a steam boiler or boilers for at least two years before the date of his application and upon producing a certificate of uniform good conduct and sobriety from the owner or owners by whom he has been employed or from some other reliable person or upon producing satisfactory evidence that he has had at least one year's experience in the operation of a steam boiler or boilers and a certificate of an inspector certifying that he has been examined in the theory and practice of operating a steam boiler and found duly qualified may upon payment of a fee of \$3 be granted a provisional certificate of qualification valid for a period of one year from the date thereof.

(2) The commissioner may upon the recommendation of an inspector and upon payment of the fee of \$3 grant a second provisional certificate valid for a period of one year from its date to any person who has submitted to an examination in accordance with the provisions of section 31 but has failed to receive from such inspector a recommendation for a final certificate of qualification but no further or other provisional certificate shall be granted."

1903

(Second session)

CHAPTER 5

An Ordinance to provide for the Payment of Succession Duties in certain cases.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. This Ordinance may be cited as "*The Succession Duty Ordinance*." Short title
2. This Ordinance shall apply to the estates of persons dying after it comes into effect. Application
3. In this Ordinance and any regulations passed thereunder unless the context otherwise requires :
 1. The word "property" includes real and personal property of every description and wheresoever situate and every estate or interest therein capable of being devised or bequeathed by will or of passing on the death of the owner to his heirs or personal representatives; Property
 2. The expression "aggregate value" means the value of the property before any debts or other allowances or exemptions are deducted therefrom and for the purposes of subsections 3, 4 and 5 of section 5 includes property outside of the Territories; Aggregate value
 3. The expression "dutiable value" means the value of the property after the debts or other allowances or exemptions authorised by this Ordinance are deducted and in determining the dutiable value of the estate of a deceased the value shall be taken as at the date of the death of the deceased and allowance shall be made for reasonable funeral expenses and for debts and incumbrances which shall be deducted from the value of the property but no allowance shall be made—
 - (a) For debts incurred by the deceased or incumbrances created by a disposition made by the deceased unless such debts or incumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest; or
 - (b) For any debt in respect whereof there is a right to reimbursement from any other estate or person unless such reimbursement cannot be obtained; or

- (c) More than once for the same debt or incumbrance charged upon different portions of the estate; or
- (d) For the expenses of administration except the expenses of procuring letters probate or letters of administration; or
- (e) For the expenses of the execution of any trust created by the will of a testator.

Court

4. "Court" shall mean the Supreme Court of the North-West Territories;

Judge

5. "Judge" shall mean a judge of the said court.

To what
Ordinance
does not apply

4. This Ordinance shall not apply as respects the payment of duty:

1. To any estate the value of which after the allowances authorised by this Ordinance does not exceed five thousand dollars; nor

2. To any estate in respect of property passing by will or intestacy or otherwise to or for the use of the father, mother, brother, sister, husband, wife, child, grandchild, daughter-in-law or son-in-law of the deceased or to any person or persons adopted before the age of twelve years by the deceased as his child or children or to any person to whom deceased for not less than ten years prior to his death stood in the acknowledged relation of parent where the aggregate value of the property of the deceased does not exceed twenty-five thousand dollars.

Property in
respect of
which estate
liable to
succession
duty

5. Save as aforesaid the estate of any person dying after the coming into force of this Ordinance who at the time of his death was domiciled in the Territories or who being domiciled elsewhere died leaving property in the Territories shall be subject to a succession duty to be paid for the use of the Territories and for the purpose of ascertaining the amount of such duty the classes of property hereinafter enumerated shall be deemed to be part of the estate of the deceased:

Property in or
out of the
Territories

(a) All property situate within the Territories and any interest therein or income therefrom whether the deceased person owning or being entitled to such property was at the time of his death domiciled in the Territories or elsewhere and where the deceased at the time of his death was domiciled in the Territories all movable or personal property locally situate without the Territories and any interest therein;

Property
voluntarily
transferred in
contemplation
of death

(b) All property situate as aforesaid or any interest therein or income therefrom which shall be voluntarily transferred by transfer made in contemplation of the death of the transferor or intended to take effect in possession or enjoyment after such death to any person in trust or otherwise or by reason of which transfer any person shall become beneficially entitled in possession or expectancy to any property or the income thereof;

- (c) Any property taken as *donatio mortis causa* or under a disposition purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust, or otherwise, which shall not have been *bona fide* made twelve months before the death of deceased including property taken under any gift, whenever made, of which property *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise ; Donationes mortis causa or voluntary dispositions within twelve months of death
- (d) Any property which a person having been absolutely entitled thereto has caused or may cause to be transferred to or vested in himself and any other person jointly whether by disposition or otherwise, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone or in concert or by arrangement with any other person ; Property transferred by owner to himself jointly with some other person
- (e) Any property passing under any past or future settlement including any trust whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting a settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person made by deed or other instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life or any other period determinable by reference to death is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof ; Property passing under settlement
- (f) Any annuity or other interest purchased or provided either by any person alone or in concert or by arrangement with any other person to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased ; Annuities, etc
- (g) Any property of which a person was at the time of his death competent to dispose ; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general or limited power as would if he were *sui juris* enable him to dispose of the property as he thinks fit or to dispose of the same for the benefit of his children or some of them, whether the power is exercisable by instrument *inter vivos* or by will or both including Property of which deceased was competent to dispose liable to duty

the power exercisable by a tenant in tail whether in possession or not but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose.

Particular
descriptions
not to affect
general words

(2) The descriptions of properties in clauses (c), (d), (e), (f) and (g) shall not be construed to restrict the generality of the descriptions contained in clauses (a) and (b).

Amount of
duty

(3) Where the aggregate value of the property of the deceased exceeds \$25,000 so much thereof as passes by will, intestacy or otherwise to or for the benefit of any one or more of the persons enumerated in clause 2 of section 4 shall be subject to a duty as follows:

Upon the value up to \$100,000 at the rate of \$1.50 for every \$100 of value of the whole property in excess of \$25,000;

Where the value exceeds \$100,000 but does not exceed \$200,000 at the rate of \$2.50 for every \$100 of value of the whole property in excess of \$25,000;

Where the value exceeds \$200,000 at the rate of \$5.00 for every \$100 of value of the whole property in excess of \$25,000.

(4) Where the aggregate value of the property of the deceased exceeds \$5,000 so much thereof as passes by will intestacy or otherwise to the grandfather, or grandmother or any other lineal ancestor of the deceased except the father or mother or to any descendant of a brother or sister of the deceased or to a brother or sister of the father or mother of the deceased or to any descendant of such last mentioned brother or sister shall be subject to a duty of \$5 for every \$100 of the value in excess of \$5,000.

(5) Where the aggregate value of the property of the deceased exceeds \$5,000 so much thereof as passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described or to or for the benefit of any stranger in blood to the deceased save as hereinbefore provided for shall be subject to a duty of \$10 for every \$100 of the value in excess of \$5,000.

(6) No duty shall however be imposed on any estate in respect of any property which, being all of the property passing to one person, when such person is one of the persons enumerated in clause 2 of section 4, does not exceed \$5,000 and in any other case does not exceed \$200.

(7) If any legacy or succession duty has been paid on any movable or personal property locally situate without the Territories elsewhere than in the Territories no further duty in respect of it shall be imposed beyond the amount, if any, for which the estate would be liable in respect of such property in excess of the amount so paid.

(8) Nothing herein contained shall render any estate liable for duty in respect of any property *bona fide* transferred for a consideration that is of a value substantially equivalent to the property transferred.

6. An executor or administrator applying for letters probate or for letters of administration to the estate of a deceased person shall before the issue of letters probate or administration to him make and file with the clerk of the court a full, true and correct statement in duplicate, under oath, showing—

Executors,
etc., to file
inventory and
bonds

(a) A full itemised inventory of all the property of the deceased person including any property not situate in the Territories and the market value thereof and

(b) The several persons to whom the same will pass under the will or intestacy and the degree of relationship, if any, in which they stand to the deceased; and the executor or administrator shall before the issue of letters probate or letters of administration deliver to the clerk a bond in a penal sum equal to ten per cent. of the sworn value of the property of the deceased person in respect to which his estate may be liable or may become liable to succession duty executed by himself and two sureties to be approved by the clerk or a guarantee company to be approved by the Territorial treasurer conditioned for the due payment to His Majesty of any duty to which the estate of the deceased coming into the hands of the said executor or administrator may be found liable.

(2) The foregoing subsection shall not apply to estates of which the aggregate value does not exceed \$5,000 nor as respects the provisions requiring security to estates in respect of which no succession duty is payable or administration to which is being applied for by a public administrator.

(3) One duplicate of the said statement shall be forthwith transmitted by the clerk of the court to the Territorial treasurer.

(4) Where property passes on the death of the deceased and no executor or administrator can be made accountable for succession duty in respect of such property every person to whom any property so passes for any beneficial interest in possession and also to the extent of the property actually received or disposed of by him every trustee, guardian, committee or other person in whom any interest in the property so passing or the management thereof is at any time vested and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the succession duty in respect of such property and shall within two months after the death of the deceased or such later time as the Territorial treasurer shall allow deliver to the clerk of the court of the judicial district in which said property is situate an account to the best of his knowledge and belief of the property which account shall be verified under oath.

(5) Any executor or administrator who in order to escape payment of succession duty imposed by this Ordinance shall fail to include any property of the deceased in the inventory required by this section to be filed or shall distribute any part of the said estate without bringing the same into the Territories shall be personally liable to pay to His Majesty the amount of the duty which would have been payable in respect of the property so omitted or so distributed.

Appraisement
of appraiser

7. In case the Territorial treasurer is not satisfied with the value so sworn thereto or to the correctness of the said inventory he may personally or by his advocate or agent direct in writing some competent person to make a valuation and appraise the said property and also to appraise any property alleged to have been improperly omitted from the said inventory.

Valuation by
appraiser

8. Any appraiser appointed under the provisions of the next preceding section shall forthwith give due and sufficient written notice to the executors or administrators and to such other persons as the clerk of the court may direct of the time and place at which he will appraise the property included in the inventory or any property which in the opinion of the Territorial treasurer his advocate or agent should be included therein and shall appraise the same accordingly at its fair market value and make a written report in duplicate of the appraisement together with such other facts in relation thereto as the clerk of the court may by order require and such report shall forthwith be filed in the office of the clerk of the court and for the purpose of the said inquiry and appraisement the said appraiser shall have all the powers which may be conferred upon commissioners under *An Ordinance respecting Inquiries concerning Public Matters*, being chapter 12 of The Consolidated Ordinances 1898.

(2) The appraiser shall be entitled to receive the sum of \$5 per day for services performed under this Ordinance and his actual and necessary travelling expenses and the same shall be paid to him by the Territorial treasurer.

(3) One duplicate of the said report shall be forthwith transmitted by the clerk of the court to the Territorial treasurer.

Mode of
assessing
property liable
to duty

9. If the Territorial treasurer, his advocate or agent and the other parties interested do not agree thereon the clerk of the court of the judicial district in which the property or part of it is situate shall assess and fix the cash value at the date of the death of the deceased of all estates, interests, annuities and life estates or terms of years growing out of his estate and the duty to which such estate is liable and shall immediately file his assessment in his office and give notice thereof by registered letter to the Territorial treasurer and to the executor or administrator and other parties interested.

10. Any interested person dissatisfied with the appraisal or assessment may appeal therefrom to a judge within Appeal from appraisal or assessment thirty days after the making and filing of such assessment and upon such appeal the said judge shall have jurisdiction to determine all questions of valuation and the liability of the appraised estate or any part thereof for such duty and the decision of the said judge shall be final.

11. Any sum payable under this Ordinance shall be recoverable with costs of suit as a duty due to His Majesty from any Recovery of duties by action person liable therefor by action in the supreme court of the North-West Territories in any judicial district and it shall not in any case be necessary to take the proceedings authorised by the preceding sections.

12. The said court shall also have jurisdiction to determine Matters determinable by court what property is liable to duty under this Ordinance, the amount thereof and the time or times when the same is payable and may itself or through any referee exercise any of the powers which by sections 7 to 10 are conferred upon any officer or person.

13. An action may be brought to determine any question of liability under this Ordinance notwithstanding that the time Action before time for payment of duty for the payment of the duty has not arrived and such action shall be considered as an ordinary action in the said court.

14. An appeal shall lie to the supreme court *en banc* in any Appeals action brought under any of the foregoing sections wherever an appeal would lie if the action were between subject and subject.

15. Where any person's estate is declared liable to duty in Declaration as to liability of property transferred before death respect of any property which has previous to the death of such person been conveyed or transferred to some other person the court may declare the duty to be a lien upon such property and may make such declaration although the amount of such duty has not been ascertained and where any property in respect of which the estate would have been liable to duty had such property remained in the hands of the person to whom or for whose benefit it was conveyed or transferred by such deceased person has been conveyed or transferred to any purchaser for valuable consideration the court may direct the person to whom or for whose benefit the said property was conveyed or transferred by such deceased person as aforesaid to pay the amount of the duty to which the estate would have been subject in respect of such property.

16. Where the property real or personal in respect of which duty is payable includes any future or contingent estate, income or interest the duty in respect of such estate, income or interest Future estate, etc., when duty may be paid may be paid within the time limited by subsection 1 of section 17 and where so paid the duty shall be on the value of such estate, income or interest as at the death of the

deceased. By consent of the Territorial treasurer in writing duty may be paid after the time so limited and before such estate, income or interest comes into possession; but in the event of such consent the duty shall then be on a value not less in any event than the value of such estate, income or interest as at the date when the duty is paid; and no deduction shall be made for duty paid or payable in respect of any prior estate, income or interest. The duty in respect of any future or contingent estate, income or interest if not sooner paid shall be payable forthwith when such estate, income or interest comes into possession in which case the duty shall be on the value computed under section 9 as at the date of such coming into possession; and no deduction shall be made for duty paid or payable in respect of any prior estate, income or interest.

Duty paid
before estate
comes into
possession

(2) Where the duty in respect of any future or contingent estate, income or interest has been paid by the executor, administrator or trustee before such estate, income or interest comes into possession the duty so paid shall be charged on such future or contingent estate, income or interest and shall be repaid with interest at the rate of five per cent. per annum to the executor, administrator or trustee, as the case may be, by the person who is to become entitled to such future or contingent estate, income or interest and if not sooner repaid shall then be repaid at the time when such estate, income or interest comes into possession.

When no
person is
entitled to the
present
enjoyment of
a future or
contingent
estate

(3) Where in respect of any future or contingent estate or interest there is no person beneficially entitled to the present income or enjoyment or where there is some part thereof to which there is no person so entitled the duty in respect of such future or contingent estate or interest, or part thereof, as the case may be, shall be payable as in sections 16 and 17 provided.

Commuting
duties on
future estate
or interests

(4) Notwithstanding the duty may under this section not be payable until the time when the right of possession or actual enjoyment accrues any executor, administrator, guardian, or trustee, or person owning a prior interest when such executor, administrator, guardian, or trustee or person has the custody or control of the property may agree upon or commute for a present payment out of the property in discharge of the said duty; and the treasurer of the Territories may upon the application of any such person commute the succession duty which would or might but for the commutation become payable in respect of such interest for a certain sum to be presently paid and for determining that sum shall cause a present value to be set upon such duty regard being had to the contingencies affecting the liability to and rate and amount of such duty and interest and on the receipt of such sum the treasurer shall give a certificate of discharge from such duty.

Duties to be
payable within
eighteen
months from
the death of
the owner

17. The duties imposed by this Ordinance unless otherwise herein provided shall be due and payable at the death of the deceased or within eighteen months thereafter and if the same are paid within eighteen months no interest shall be charged or collected thereon but if not so paid interest at the

rate of five per centum per annum from the death of the deceased shall be charged and collected and such duties together with the interest thereon shall be and remain a lien upon the property in respect to which they are payable until the same is paid. Provided that the duty chargeable upon any legacy given by way of annuity whether for life or otherwise shall be paid by four equal payments the first of which payments of duty shall be made before or on completing payment of the first year's annuity and the three others of such payments of duty shall be made in like manner successively before or on completing the respective payments of the three succeeding year's annuity respectively. In case the annuitant dies before the expiration of the said four years only payment of instalments which fall due before his death shall be required:

Provided further that the Lieutenant Governor in Council upon its being proved to his satisfaction that payment of the duty within the time limited by this subsection would be unduly onerous on the estate may by order so extend the time for the payment of the said duty as shall appear just and reasonable; and the duty shall be due and payable as in the said order set forth.

(2) The treasurer of the Territories on being satisfied that the full amount of succession duty has been or will be paid in respect of an estate or any part thereof shall if required by the person accounting for the duty give a certificate to that effect which shall discharge from any further claim for succession duty the property shown by the certificate to form the estate, or such part thereof, as the case may be.

(3) Such certificate shall not discharge any person or property other than a *bona fide* purchaser for valuable consideration without notice from succession duty in case of fraud or failure to disclose material facts and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property in respect of which duty has been already accounted for:

Provided the said treasurer may in his discretion decline to grant such certificate until the expiration of one year from the death of the deceased testator or intestate as the case may be.

18. Upon the application of any person liable for the payment of any duty under this Ordinance on notice to the Territorial treasurer a judge may make an order extending the time fixed by law for payment thereof where it appears to such judge that payment within the time prescribed by this Ordinance is impossible owing to some cause over which the person liable has no control.

19. Any administrator, executor or trustee having in charge or trust any estate, legacy or property in respect of which duty is payable under this Ordinance shall deduct the duty therefrom or collect the duty thereon upon the appraised value

thereof from the person entitled to such property and he shall not deliver any property subject to duty to any person until he has collected the duty thereon.

Power to sell
for payment of
duty

20. Executors, administrators and trustees shall have power to sell so much of the property of the deceased as will enable them to pay the duty in the same manner as they may by law do for the payment of debts of the testator or intestate.

Duty to be
paid to
Territorial
treasurer

21. Every sum of money retained by an executor, administrator or trustee or paid into his hands for the duty on any property shall be paid by him forthwith to the treasurer of the Territories or as he may direct.

Refunding
duty upon
subsequent
payment of
debts

22. Where any debts shall be proved against the estate of a deceased person after the payment of legacies or distribution of property from which the duty has been deducted or upon which it has been paid and a refund is made by the legatee, devisee, heir or next of kin a proportion of the duty so paid shall be repaid to him by the executor, administrator or trustee.

Foreign
executors, etc.,
not to transfer
stocks, etc.,
until duty paid

23. No foreign executor or administrator shall assign or transfer any stocks or shares in the Territories standing in the name of a deceased person or in trust for him which are liable to pay succession duty until such duty is paid to the treasurer of the Territories or security given as required by section 6 of this Ordinance and any corporation allowing a transfer of any stocks or shares contrary to this section shall be liable to pay the duty payable in respect thereof.

Mode of
enforcing
payment of
duty

24. If it is made to appear on affidavit to a judge that any duty accruing under this Ordinance has not been paid according to law he may make an order by way of originating summons directing the persons interested in the property liable to the duty to appear before the court on a day certain to be therein named and show cause why said duty shall not be paid.

(2) The service of such order and the time, manner and proof thereof, and fees therefor and the hearing and determining thereon and the enforcement of the judgment of the court thereon shall be according to the practice in or upon the enforcement of a judgment of the Supreme Court.

Costs

25. The costs of all proceedings under this Ordinance in the court shall be in the discretion of the court or of a judge.

Limitations of
actions

26. Any action, matter or proceeding by or against the Territories in respect of duties or claims arising upon or out of any succession shall be commenced within six years from the time when such duties or claims became payable.

27. The clerks of the court shall be entitled to take for the performance of duties and services under this Ordinance fees similar to those payable to them under the rules of the Supreme Court. ^{Fees of clerks of court}

28. The Lieutenant Governor in Council may make regulations for carrying into effect the provisions of this Ordinance and to cover cases not herein provided for which shall be published forthwith in the official gazette. ^{Lieutenant Governor to make regulations}

1903

(Second session)

CHAPTER 6

An Ordinance to amend Chapter 21 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting the Administration of Civil Justice."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 51
N.W.T. Act
repealed

1. Section 51 of *The North-West Territories Act* is hereby repealed.

New section 7a

2. *The Judicature Ordinance* is hereby amended by adding after section 7 the following section:

"7a. The Lieutenant Governor in Council may by order divide or otherwise alter the boundaries of any judicial district now or hereafter established and may establish new districts and may by any such order or any other order make such provisions as he may deem necessary to protect the interests affected thereby."

1903

(Second session)

CHAPTER 7

An Ordinance to amend Chapter 31 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Limitation of Actions in certain cases."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. *An Ordinance respecting Limitation of Actions in certain cases* is hereby amended by adding thereto the following section: ^{New section 3}

"3. No right to the access and use of light or any other easement, right in gross or profit *a prendre* shall be acquired by any person by prescription and no such right shall be deemed to have been so acquired prior to the coming into force of this Ordinance."

1903

(Second session)

CHAPTER 8

An Ordinance respecting the Action for Seduction.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Action when maintainable by father or mother

1. The father or, in case of his death, the mother (whether she remains a widow or remarries) of any unmarried female who has been seduced and for whose seduction the father or mother could maintain an action in case such unmarried female was at the time dwelling under his or her protection may maintain an action for the seduction, notwithstanding such unmarried female was at the time of her seduction serving or residing with another person upon hire or otherwise.

Proof of service dispensed with

2. Upon the trial of an action for seduction brought by the father or mother it shall not be necessary to prove any act of service performed by the party seduced but the same shall in all cases be presumed and no evidence shall be received to the contrary ; but in case the father or mother of the female seduced had before the seduction abandoned her and refused to provide for and retain her as an inmate then any other person who might at common law have maintained an action for the seduction may maintain such action.

When action maintainable by master, etc.

3. Any person other than the father or mother who by reason of the relation of master or otherwise would have been entitled at common law to maintain an action for the seduction of an unmarried female may still maintain such action if the father or mother be not resident in the Territories at the time of the birth of the child which is born in consequence of the seduction or being resident therein does not bring an action for the seduction within six months from the birth of the child.

Where father or mother not resident in the Territories

Action may be brought by party seduced in her own name

4. Notwithstanding anything in this Ordinance an action for seduction may be maintained by any unmarried female who has been seduced, in her own name, in the same manner as an action for any other tort and in any such action she shall be entitled to such damages as may be awarded.

1903

(Second session)

CHAPTER 9

An Ordinance respecting the Support of Illegitimate Children.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Any person who furnishes food, clothing, lodging or other necessities to any child born out of lawful wedlock may maintain an action for the value thereof against the father of the child if the child was a minor at the time the necessities were furnished and was not then residing with his or her reputed father and maintained by him as a member of his family. The father of an illegitimate child liable for necessities
2. Where the person suing for the value of the necessities is the mother of the child or a person to whom the mother has become accountable for the necessities the fact of the defendant being the father shall be proved by other testimony than that of the mother. When other testimony than that of the mother requisite
3. No action shall be sustained under the preceding two sections unless it is shown upon the trial thereof that while the mother of the child was pregnant or within six months after the birth of her child she did voluntarily make an affidavit in writing before some one of His Majesty's justices of the peace for the Territories declaring that the person afterwards charged in the action is really the father of the child, nor unless she deposited the affidavit within the time aforesaid in the office of the clerk of the Supreme Court for the judicial district in which she resides or in the office of the deputy clerk if she resides in a deputy clerk's district. No action maintainable unless the mother makes affidavit before the birth of the child or within six months after
4. The affidavit shall not be evidence of the fact of the defendant being the father of the child. Such affidavit not to be evidence
5. This Ordinance shall not take away or abridge any right of action or remedy which without this Ordinance might have been maintained against the father of an illegitimate child. Other remedies not to be affected

1903

(Second session)

CHAPTER 10

An Ordinance to amend Chapter 32 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Justices of the Peace."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Subsection 2
of section 5
amended.

1. Subsection 2 of section 5 of *The Magistrates Ordinance* is hereby amended by striking out the words "under any Act of the Parliament of Canada" where they occur therein.

Police
magistrates.

2. The Lieutenant Governor in Council may appoint police magistrates in the Territories and such police magistrates shall have all the powers and authorities now or hereafter vested in two justices of the peace under any law in Canada and shall exercise jurisdiction in and for such territory as is defined by the order in council appointing them or by any order in council amending the same.

(2) No person shall be appointed a police magistrate unless he has been admitted and has practised as an advocate, barrister or solicitor in the Territories or in one of the provinces of Canada for a period of not less than three years.

(3) Every police magistrate and every justice of the peace whether heretofore or hereafter appointed shall hold office during the pleasure of the Lieutenant Governor in Council and his appointment may at any time be revoked.

(4) Notwithstanding the resignation or revocation of the appointment of any police magistrate or justice of the peace he shall remain liable to transmit all fines and make all returns that he was liable to transmit or make at the time of such resignation or revocation and shall be subject to all penalties for failure to transmit such fines or make such returns as if he had continued such police magistrate or justice of the peace.

Section 64
N.W.T. Act
repealed.

3. Section 64 of *The North-West Territories Act* as enacted and amended by section 7 of chapter 17 of the Statutes of Canada of 1894 and sections 11, 12 and 13 of chapter 28 of the Statutes of Canada of 1897 are hereby repealed.

1903

(Second session)

CHAPTER 11

An Ordinance respecting Trustees and Executors and the administration of Estates.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

SHORT TITLE.

1. This Ordinance may be cited as "*The Trustee Ordinance.*" Short title

INTERPRETATION.

2. Unless the context otherwise requires the expression "trustee" shall be deemed to include an executor or administrator and a trustee whose trust arises by construction or implication of law as well as an express trustee and shall also include several joint trustees. Interpretation

INVESTMENTS.

3. Trustees having trust money in their hands which it is their duty or which it is in their discretion to invest at interest shall be at liberty at their discretion to invest the same in any stock, debentures or securities of the Government of the Dominion of Canada or of any of the provinces of Canada or any debentures or securities the payment of which is guaranteed by the Government of the Dominion of Canada or of any province of Canada or in the debentures of any municipality or school district in the Territories ; or in securities which are a first charge on land held in fee simple provided that such investments are in other respects reasonable and proper and such trustees shall also be at liberty at their discretion to call in any trust funds invested in any other securities than as aforesaid and to invest the same in any such stock, debentures, or securities aforesaid, and also from time to time at their discretion to vary any such investments as aforesaid, for others of the same nature ; and any such moneys already invested in any such stock, debentures or securities as aforesaid shall be held and taken to have been lawfully and properly invested. Trustees may invest trust moneys in certain securities

- (2) This section shall apply and extend to both present and future trustees. This section to apply to all trustees, etc.

Additional powers given

4. The powers hereby conferred are in addition to the powers conferred by the instrument, if any, creating the trust :

Proviso

Provided that nothing herein contained shall authorise any trustee to do anything which he is in express terms forbidden to do or to omit to do anything which he is in express terms directed to do by the instrument creating the trust.

When trustee not chargeable for lending on insufficient security

5. No trustee lending money upon the security of any property shall be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made provided that it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be an able practical surveyor or valuer instructed and employed independently of any owner of the property whether such surveyor or valuer carried on business in the locality where the property is situate or elsewhere and that the amount of the loan does not exceed two-thirds of the value of the property as stated in the report and that the loan was made under the advice of the surveyor or valuer expressed in the report.

(2) This section shall apply to a loan upon any property on which the trustee can lawfully lend and to transfers of existing securities as well as to new securities and to investments made as well before as after the passing of this Ordinance.

Trustees lending more than authorised amount

6. Where a trustee has improperly advanced trust money on a mortgage security which would at the time of the investment have been a proper investment in all respects for a less sum than was actually advanced thereon the security shall be deemed an authorised investment for such less sum and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

(2) This section shall apply to investments made as well before as after the passing of this Ordinance.

Liability in case of change of character of investment

7. No trustee shall be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorised by the instrument of trust or by the general law and this provision shall apply to cases arising before or after the passing of this Ordinance.

RIGHTS AND LIABILITIES OF TRUSTEES.

Every trust instrument to be deemed to contain clause for the indemnity and reimbursement of the trustees

8. Every deed, will or other document creating a trust either expressly or by implication shall without prejudice to the clauses actually contained therein be deemed to contain a clause in the words or to the effect following, that is to say :
“That the trustees or trustee for the time being of the said deed, will or other instrument shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall

respectively actually receive notwithstanding their respectively signing any receipt for the sake of conformity and shall be answerable and accountable only for their own acts, receipts, neglects or defaults and not for those of each other nor for any banker, broker or other person with whom any trust moneys or securities may be deposited; nor for the insufficiency or deficiency of any stocks, funds or securities nor for any other loss unless the same shall happen through their own wilful neglect or default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will or other instrument to reimburse themselves or himself or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will or other instrument."

9. Where a trustee, either original or substituted and whether appointed by the court or otherwise, dies, or desires to be discharged from, or refuses or becomes unfit or incapable to act in the trusts or powers in him reposed before the same have been fully discharged and performed it shall be lawful for the person or persons nominated for that purpose by the deed, will or other instrument creating the trust, if any, or if there be no such person, or no such person able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor or administrators or administrator of the last surviving and continuing trustee, or for the last retiring trustee, by writing, to appoint any other person or persons to be a trustee or trustees in place of the trustee or trustees dying, or desiring to be discharged, or refusing, or becoming unfit, or incapable to act as aforesaid; and so often as any new trustee or trustees is or are so appointed as aforesaid all the trust property, if any, which for the time being is vested in the surviving or continuing trustees or trustee, or in the heirs, executors or administrators of any trustees or trustee, shall with all convenient speed be conveyed, assigned and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees, or a surviving or continuing trustee as the case may require; and every new trustee to be appointed as aforesaid, as well before as after such conveyance, assignment or transfer as aforesaid, and also every trustee appointed by the court, either before or after the passing of this Ordinance, shall have the same powers, authorities and discretions, and shall in all respects act as if he had originally been nominated a trustee by the deed, will, or other instrument creating the trust.

Appointment
of new
trustees

(2) On the appointment of a new trustee for the whole or any part of trust property

- (a) The number of trustees may be increased; and
- (b) A separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property notwithstanding that no new trustees or

trustee are or is to be appointed for other parts of the trust property and any existing trustee may be appointed or remain one of such separate set of trustees; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for any such part of the trust property; and

(c) It shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust; and

(d) Any assurance or thing requisite for vesting the trust property or any part thereof jointly in the persons who are the trustees shall be executed or done.

(3) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions and may in all respects act as if he has been originally appointed a trustee by the instrument, if any, creating the trust.

(4) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee include a refusing or retiring trustee if willing to act in the execution of the provisions of this section.

(5) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(6) This section applies to trusts created either before or after the passing of this Ordinance.

Retirement of trustee

10. Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust and shall, by the deed, be discharged therefrom under this Ordinance without any new trustee being appointed in his place.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4) This section applies to trusts created either before or after the passing of this Ordinance.

11. Where an instrument by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of such instrument become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment but subject to the provision of any Act or Ordinance respecting the registration of titles to lands, operate to vest in those persons as joint tenants and for the purposes of the trust, that estate, interest or right.

Vesting of trust property in new or continuing trustees without conveyance

(2) Where an instrument by which a retiring trustee is discharged under this Ordinance contains such a declaration as is in this section mentioned by the retiring and continuing trustees and by the other person, if any, empowered to appoint trustees, that declaration shall without any conveyance or assignment but subject as aforesaid operate to vest in the continuing trustees alone as joint tenants and for the purposes of the trust, the estate, interest or right to which the declaration relates.

(3) This section does not extend to any share, stock, annuity, or property only transferable in books kept by a company or other body, or in manner prescribed by or under an Ordinance of the Legislative Assembly of the Territories.

(4) For the purposes of registration of an instrument the person or persons making the declaration shall be deemed the conveying party or parties and the conveyance shall be deemed to be made by him or them under a power conferred by this Ordinance.

PURCHASE AND SALE.

12. Where a trust for sale or a power of sale of property is vested in a trustee he may sell or concur with any other person in selling all or any part of the property either subject to prior charges or not, and either together or in lots, by public auction or by private contract subject to any such conditions respecting title or evidence of title or other matter as the trustee thinks fit with power to vary any contract for sale and to buy in at any auction or to rescind any contract for sale and to resell without being answerable for any loss.

Power of trustee for sale to sell by auction, etc.

(2) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power and shall have effect subject to the terms of that instrument and to the provisions therein contained.

13. No sale made by a trustee shall be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily

Power to sell subject to depreciatory conditions

depreciatory unless it also appears that the consideration for the sale was thereby rendered inadequate.

(2) No sale made by a trustee shall after the execution of the conveyance be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for sale was made.

(3) No purchaser upon any sale made by a trustee shall be at liberty to make any objection against the title upon the ground aforesaid.

Fee simple estates of bare trustees to vest in their personal representatives

14. Upon the death of a bare trustee of any corporeal or incorporeal hereditament of which such trustee was seized in fee simple such hereditaments shall vest in the legal personal representative, from time to time, of such trustee.

Conveyances by married woman as bare trustee

15. Where any freehold hereditament is vested in a married woman as bare trustee she may convey or surrender the same as if she were a *feme sole* and without her husband joining in the conveyance.

Receipts of trustees to be effectual discharges

16. The *bona fide* payment of any money to and the receipt thereof by any person to whom the same is payable upon any express or implied trust, or for any limited purpose, and such payment to and receipt by the survivors or survivor of two or more mortgagees or holders or the executors or administrators of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof, unless the contrary is expressly declared by the instrument creating the trust or security.

VARIOUS POWERS AND LIABILITIES.

Appointment of agents by trustees for certain purposes

17. It shall be lawful for a trustee to appoint an advocate to be his agent to receive and give a discharge for any money or any valuable consideration of property receivable by such trustee under the trust; and no trustee shall be chargeable with breach of trust by reason only of his having made or concurred in making any such appointment: Provided that nothing herein contained shall exempt a trustee from any liability which he would have incurred if this section had not been enacted in case of permitting such money, valuable consideration, or property to remain in the hands or under the control of the advocate for a period longer than is reasonably necessary to enable the solicitor to pay or transfer the same to the trustee.

(2) It shall be lawful for a trustee to appoint a chartered bank or advocate to be his agent to receive and give a discharge for any money payable to such trustee under or by virtue of a policy of assurance or otherwise; and no trustee shall be

chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment: Provided that nothing herein contained shall exempt a trustee from any liability which he would have incurred if this section had not been enacted, in case he permits such money to remain in the hands or under the control of the bank or advocate for a period longer than is reasonably necessary to enable him to pay the same to the trustee.

18. It shall be lawful for but not obligatory upon a trustee to insure against loss or damage by fire any building or other insurable property to any amount (including the amount of any insurance already on foot) not exceeding three equal fourth parts of the full value of such building or property and to pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts without obtaining the consent of any person entitled wholly or partly to such income.

Powers of trustees to insure trust property

(2) This section shall not apply to any building or property which a trustee is bound forthwith to convey absolutely to any *cestui que trust* upon being requested to do so.

19. Where a trustee has committed a breach of trust at the instigation or request or with the consent in writing of a beneficiary the court may, if it thinks fit, and notwithstanding that the beneficiary is a married woman entitled for her separate use, whether with or without a restraint upon anticipation, make such order as to the court seems just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

Trustee committing breach of trust at instigation of beneficiary

20. The receipt in writing of any trustee for any money, securities or other personal property or effects payable, transferable or deliverable to him under any trust or power shall be a sufficient discharge for the same and shall effectually exonerate the person paying, transferring, or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof.

Power of trustee to give receipts

(2) This section applies to trusts created either before or after the passing of this Ordinance.

21. A trustee, or two or more trustees, acting together, or a sole acting trustee where by the instrument, if any, creating the trust a sole trustee is authorised to execute the trusts and powers thereof may, if and as he or they may think fit, accept any composition or any security real or personal for any debt or for any property real or personal claimed and may allow any time for payment for any debt and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's or intestate's estate or to the trust, and for any of those purposes may enter into, give, execute,

Power for executors and trustees to compound, etc.

and do such agreements, instruments of composition or arrangement, releases and other things as to him or them seem expedient without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(2) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(3) This section applies to executorships, administratorships and trusts constituted or created either before or after the passing of this Ordinance.

Powers of
two or more
trustees

22. Where a power or trust is given to or vested in two or more trustees jointly then unless the contrary is expressed in the instrument, if any, creating the power or trust the same may be exercised or performed by the survivor or survivors of them for the time being.

Exoneration
of trustees
in respect of
certain powers
of attorney

23. A trustee acting or paying money in good faith under or in pursuance of any power of attorney shall not be liable for any such act or payment by reason of the fact that at the time of the payment or act the person who gave the power of attorney was dead or had done some act to avoid the power if this fact was not known to the trustee at the time of his so acting or paying.

(2) Nothing in this section shall affect the right of any person entitled to the money against the person to whom the payment is made and the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the trustee.

MAINTENANCE OF INFANTS.

In case
property held
in trust for
infant,
trustees may
apply income
for main-
tenance
of infant

24. In all cases where any property is held by trustees in trust for an infant, either absolutely or contingently on his attaining the age of twenty-one years or on the occurrence of any event previously to his attaining that age, it shall be lawful for such trustees at their sole discretion to pay to the guardians, if any, of such infant, or otherwise to apply for or towards the maintenance or education of such infant, the whole or any part of the income to which such infant may be entitled in respect of such property whether there be any fund applicable to the same purpose or any other person bound by law to provide for such maintenance or education or not, and such trustees shall accumulate all the residue of such income by way of compound interest by investing the same and the resulting income thereof from time to time in proper securities for the benefit of the person who shall ultimately become entitled to the property from which such accumulation shall have arisen:

Provided always that it shall be lawful for such trustees at any time if it shall appear to them expedient to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

25. In all cases where any property either real or personal is held by trustees in trust for an infant either absolutely or contingently on his attaining the age of twenty-one years or on the occurrence of any event previously to his attaining that age and where the income arising from such property is insufficient for the maintenance and education of such infant it shall be lawful for such trustees by leave of a judge of the Supreme Court to be obtained in a summary manner to sell and dispose of any portion of such real or personal property and to pay to the guardians, if any, of such infant or otherwise to apply for or towards the maintenance or education of such infant the whole or any part of the money arising from such sale as aforesaid; and in the event of the whole of the money arising from any sale of the real or personal property as aforesaid not being immediately required for the maintenance and education of such infant then the said trustees shall invest the surplus moneys and the resulting income therefrom from time to time in proper securities and shall apply such moneys and the proceeds thereof from time to time for the education and maintenance of the said infant and shall hold all the residue of the moneys and interest thereon not required for the education and maintenance of such infant as aforesaid for the benefit of the person who shall ultimately become entitled to the property from which such moneys and interest have arisen.

Property held in trust for infants may be sold by leave of a judge and proceeds thereof applied for maintenance and education of such infants

Application and investment of moneys so realised

26. Where a trustee or assignee acting under the trusts of a deed or assignment for the benefit of creditors generally or a particular class or classes of creditors where the creditors are not designated by name therein, or an executor or an administrator has given such or the like notices as in the opinion of the court in which such trustee, assignee, executor or administrator is sought to be charged, would have been given by the Supreme Court in an action for the execution of the trusts of such deed or assignment, or an administration suit as the case may be, for creditors and others, to send in to such trustee, assignee, executor or administrator their claims against the person for the benefit of the creditors of whom such deed or assignment is made, or the estate of the testator or intestate, as the case may be, the trustee, assignee, executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims be at liberty to distribute the proceeds of the trust estate, or the assets of the testator or intestate, as the case may be, or any part thereof amongst the parties entitled thereto, having regard to the claims of which the trustee, assignee, executor or administrator has then notice, and shall not be liable for the proceeds of the trust estate, or assets, as the case may be, or any part thereof so distributed to any person of whose claim the trustee, assignee, executor or administrator had not notice at the time of the distribution thereof or a part thereof, as the case may be; but nothing in this Ordinance contained shall prejudice the right of any creditor or claimant to follow the proceeds of the trust estate or assets, as the case may be, or any part thereof into the hands of the person or persons who may have received the same respectively.

Distribution of assets under trust

Deeds for benefit of creditors or of the assets of a testator or intestate after notice given by trustee, assignee, executor or administrator

PAYMENT INTO COURT BY TRUSTEES.

Payment into
court by
trustees

27. Trustees, or the majority of trustees, having in their hands or under their control money or securities belonging to a trust, or to the estate of a deceased person, may pay the same into the Supreme Court; and the same shall subject to the rules of Court, be dealt with according to the orders of the Supreme Court.

(2) The receipt or certificate of the proper officer shall be a sufficient discharge to trustees for the money or securities so paid into court.

(3) Where any moneys or securities are vested in any persons as trustees and the majority are desirous of paying the same into court but the concurrence of the other or others cannot be obtained the Supreme Court may order the payment into court to be made by the majority without the concurrence of the other or others, and where any such moneys or securities are deposited with any banker, broker or other depositary the court may order payment or delivery of the moneys or securities to the majority of the trustees for the purpose of payment into court and every transfer payment and delivery made in pursuance of any such order shall be valid and take effect as if the same had been made on the authority or by the act of all the persons entitled to the moneys and securities so transferred, paid, or delivered.

Relief of
trustees
committing
technical
breach of
trust

28. If in any proceeding affecting trustees or trust property it appears to the court that a trustee whether appointed by the court or by an instrument in writing or otherwise, or that any person who in law may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach whether the transaction alleged or found to be a breach of trust occurred before or after the passing of this Ordinance but has acted honestly and reasonably and ought fairly to be excused for the breach of trust and for omitting to obtain the directions of the court in the matter in which he committed such breach then the court may relieve the trustee either wholly or partly from personal liability for the same.

RIGHTS AND LIABILITIES OF EXECUTORS AND ADMINISTRATORS.

Actions by
executors and
adminis-
trators for
torts

29. The executors or administrators of any deceased person may maintain an action for all torts or injuries to the person or to the real or personal estate of the deceased except in cases of libel and slander in the same manner and with the same rights and remedies as the deceased would if living have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased; but such action shall be brought within one year after his decease.

Actions
against
executors and
adminis-
trators for
torts

30. In case any deceased person committed a wrong to another in respect of his person or of his real or personal property except in cases of libel and slander the person so

wronged may maintain an action against the executors or administrators of the person who committed the wrong; but such action shall be brought within one year after the decease.

31. In estimating the damages in any action under either of the next preceding two sections the benefit, gain, profit or advantage which in consequence of or resulting from the wrong committed may have accrued to the estate of the person who committed the wrong shall be taken into consideration and shall form part or may constitute the whole of the damages to be recovered and whether or not any property or the proceeds of value of property belonging to the person bringing the action or to his estate has or have been appropriated by or added to the estate or moneys of the person who committed the wrong.

Damages in actions under two preceding sections

32. The executors or administrators of any lessor or landlord may distrain upon the lands demised for any term or at will for the arrears of rent due to such lessor or landlord in his lifetime in like manner as such lessor or landlord might have done if living.

Executors or administrators of a lessor may distrain for arrears

33. Such arrears may be distrained for at any time within six months after the determination of the term or lease and during the continuance of the possession of the tenant from whom the arrears became due; and the law relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

Such arrears of rent may be distrained for within six months after determination of the lease

34. In case any one or more joint contractors, obligors or partners die the person interested in the contract, obligation or promise entered into by such joint contractors, obligors or partners may proceed by action against the representatives of the deceased contractor, obligor or partner in the same manner as if the contract, obligation or promise had been joint and several and this, notwithstanding there may be another person liable under such contract, obligation, or promise still living, and an action pending against such person; but the property and effects of stockholders in chartered banks or the members of other incorporated companies shall not be liable to a greater extent than they would have been if this section had not been passed.

Representatives of deceased joint contractors liable although the other joint contractors be living

35. Where by any will coming into operation before or after the passing of this Ordinance a testator charges his real estate or any specific portion thereof with the payment of his debts or with the payment of any legacy or other specific sum of money and devises the estate so charged to any trustee or trustees for the whole of his estate or interest therein and does not make any express provision for the raising of such debt, legacy or sum of money out of such estate the said trustee or trustees notwithstanding any trusts actually declared by the testator may raise such debt, legacy or money as aforesaid

Devisee in trust may raise money by sale or mortgage to satisfy charges, notwithstanding want of express power in the will

by a sale and absolute disposition by public auction or private contract of the said real estate or any part thereof or by a mortgage of the same or partly in one mode and partly in the other and a mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same think proper.

Power given by last section extended to survivors, devisees, etc.

36. The powers conferred by the next preceding section shall extend to all and every the person or persons in whom the estate devised is for the time being vested by survivorship, descent or devise, or to any person or persons appointed under any power in the will or by the Supreme Court to succeed to the trusts created by the will as aforesaid.

Purchasers, etc., not bound to inquire as to exercise of powers

37. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by the preceding two sections of this Ordinance or any of them have been duly and correctly exercised by the person or persons acting in virtue thereof.

Directions to sell, etc., may be exercised by executor when no other person is appointed to exercise same

38. Where there is in any will or codicil of any deceased person whether such will has been made or such person has died before or after the passing of this Ordinance any direction whether express or implied to sell, dispose of, appoint, mortgage, incumber or lease any real estate and no person is by the said will, or some codicil thereto, or otherwise by the testator appointed to execute and carry the same into effect, the executor or executors, if any, named in such will or codicil shall and may execute and carry into effect every such direction to sell, dispose of, appoint, incumber or lease such real estate, and any estate or interest therein in as full, large and ample a manner and with the same legal effect as if the executor or executors of the testator were appointed by the testator to execute and carry the same into effect.

Administrator with will annexed may exercise power of sale given to the executor

39. Where there is in any will or codicil thereto of any deceased person whether such will has been made or such person has died before or after the passing of this Ordinance any power to any executor or executors in such will to sell, dispose of, appoint, mortgage, incumber, or lease any real estate, or any estate or interest therein, whether such power is express, or arises by implication, and where from any cause letters of administration with such will annexed have been by the Supreme Court committed to any person and such person has given the required security such person shall and may exercise every such power and sell, dispose of, appoint, mortgage, incumber, or lease such real estate and any estate or interest therein in as full, large and ample a manner and with the same legal effect for all purposes as the said executor or executors might have done.

Or when no one named in the will to execute powers of sale, etc.

40. Where there is in any will or codicil thereto of any deceased person whether such will has been made or such person has died before or after the passing of this Ordinance any power to sell, dispose of, appoint, mortgage, incumber, or lease

any real estate, or any estate or interest therein, whether such power is express, or arises by implication, and no person is by the said will, or some codicil thereto, or otherwise by the testator appointed to execute such power, and letters of administration with such will annexed have been by the Supreme Court committed to any person and such person has given the required security before mentioned such person shall and may exercise every such power and sell, dispose of, appoint, mortgage, incumber or lease such real estate and any estate or interest therein in as full, large, and ample a manner and with the same legal effect as if such last named person had been appointed by the testator to execute such power.

41. Where any person has entered into a contract in writing for the sale and conveyance of real estate, or any estate or interest therein, and such person has died intestate, or without providing by will for the conveyance of such real estate, or estate or interest therein, to the person entitled or to become entitled to such conveyance under such contract then, if the deceased would be liable to execute a conveyance were he alive, the executor, administrator, or administrator with the will annexed, as the case may be, of such deceased person, shall make and give to the person entitled to the same a good and sufficient conveyance or conveyances of such estates and of such nature as the said deceased if living would be liable to give and such conveyances shall be as valid and effectual as if the deceased were alive at the time of the making thereof and had executed the same but shall not have any further validity.

Executors, etc., may convey in pursuance of a contract for sale made by deceased

42. Every executor, administrator, and administrator with the will annexed shall as respects the additional powers vested in him by this Ordinance and any money or assets by him received in consequence of the exercise of such powers be subject to all the liabilities and compellable to discharge all the duties of whatsoever kind which as respects the acts to be done by him under such powers would have been imposed upon an executor or other person appointed by the testator to execute the same or in case of there being no such executor or person would have been imposed by law or by the Supreme Court or a judge thereof.

Duties and liabilities of an executor and administrator acting under the powers of this Ordinance

43. Where there are several executors, administrators, or administrators with the will annexed and one or more of them die the powers hereby created shall vest in the survivor or survivors.

Powers given by this Ordinance to two or more to survive

44. On the administration of the estate of a deceased person, in case of the deficiency of assets, debts due to the Crown and to the executor or administrator of the deceased person, and debts to others including therein respectively debts by judgment or order, and other debts of record, debts by specialty, simple contract debts, and such claims for damages as by statute are payable in like order of administration as simple contract debts, shall be paid *pari passu* and without any

In case of deficiency of assets debts to rank *pari passu*

Not to affect
lien

preference or priority of debts of one rank or nature over those of another; but nothing herein contained shall prejudice any lien existing during the lifetime of the debtor on any of his real or personal estate.

If claim is
rejected and
notice given
an action must
be brought
within a
certain period

45. In case the executor or administrator gives notice in writing referring to this section of his intention to avail himself thereof to any creditor or other person of whose claims against the estate he has notice, or to the advocate or agent of such creditor or other person, that he the executor or administrator rejects or disputes the claim it shall be the duty of the claimant to commence his action in respect of the claim within six months after the notice is given in case the debt or some part thereof is due at the time of the notice or within three months from the time the debt or some part thereof falls due if no part thereof is due at the time of the notice, and in default the claim shall be forever barred.

(2) Unless such creditor or other person within ten days after the receipt of such notice notifies the executor or administrator that he withdraws his claim such executor or administrator may if he thinks fit apply to a judge of the Supreme Court for an originating summons calling upon such creditor or other person to establish his claim and upon the return of such summons the judge may allow or bar the claim or make such other order as to him may seem meet with or without costs against either party.

As to liability
of executor or
administrator
in respect of
covenants,
etc., in leases

46. Where an executor or administrator liable as such to the rents, covenants or agreements contained in any lease or agreement for a lease granted or assigned to the testator or intestate whose estate is being administered has satisfied all such liabilities under the said lease or agreement for a lease, as have accrued due and been claimed up to the time of the assignment hereinafter mentioned and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised, or agreed to be demised, although the period for laying out the same may not have arrived, and has assigned the lease or agreement for the lease, to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and among the parties entitled thereto respectively without appropriating any part or any further part, as the case may be, of the estate of the deceased to meet any future liability under the said lease or agreement for a lease; and the executor or administrator so distributing the residuary estate shall not after having assigned the said lease or agreement for a lease and having where necessary set apart such sufficient fund as aforesaid be personally liable in respect of any subsequent claim under the said lease or agreement for a lease; but nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

47. In like manner where an executor or administrator, As to liability of executor in respect of rents, etc., in conveyances on rent, charges, etc. liable as such to the rent, covenants or agreements contained in any conveyance or rent-charge whether any such rent be by limitation of use, grant or reservation, or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, has satisfied all such liabilities under the said conveyance or agreement for a conveyance as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and has conveyed such property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto respectively without appropriating any part or any further part, as the case may be, of the estate of the deceased to meet any future liability under the said conveyance or agreement for a conveyance; and the executor or administrator so distributing the residuary estate shall not after having made or executed such conveyance or assignment and having where necessary set apart such sufficient fund as aforesaid be personally liable in respect of any subsequent claim under the said conveyance or agreement for conveyance; but nothing herein contained shall prejudice the right of the grantor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

SUMMARY APPLICATION TO COURT FOR ADVICE.

48. Any trustee, guardian, executor, or administrator shall Trustee, etc., may apply for advice in management of trust property be at liberty without the institution of an action to apply in court or in chambers in the manner prescribed by rules of Court for the opinion, advice or direction of a judge of the Supreme Court on any question respecting the management or administration of the trust property or the assets of a testator or intestate.

(2) The trustee, guardian, executor or administrator acting upon the opinion, advice, or direction given by the judge shall be deemed so far as regards his own responsibility to have discharged his duty as such trustee, guardian, executor or administrator in the subject matter of the said application; but this provision shall not extend to indemnify a trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid if the trustee, executor or administrator has been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction.

ALLOWANCE TO TRUSTEES, ETC.

Allowance to trustees

49. Any trustee under a deed, settlement or will, any executor or administrator, any guardian appointed by any court, and any testamentary guardian or other trustee howsoever the trust is created shall be entitled to such fair and reasonable allowance for his care, pains and trouble and his time expended in and about the trust estate as may be allowed by the Supreme Court or a judge thereof or by any clerk thereof to whom the matter may be referred.

Allowance to be made although the estate not before the court

50. A judge of the Supreme Court may on application to him for the purpose settle the amount of such compensation, although the trust estate is not before the court in any action.

Act to apply to existing as well as future trusts

51. Compensation may be allowed in the case of any trust heretofore created as well as in any to be hereafter created.

Judge may order an allowance to be made to executor or administrator out of the estate for his trouble

52. The judge may allow to the executor or trustee or administrator acting under a will or letters of administration a fair and reasonable allowance for his care, pains and trouble and his time expended in or about the executorship, trusteeship or administration of the estate and effects vested in him under the will or letters of administration, and in administering, disposing of and arranging and settling the same and generally in arranging and settling the affairs of the estate and may make an order or orders from time to time therefor and the same shall be allowed to an executor, trustee or administrator in passing his accounts.

Where allowance fixed by the instrument

53. Nothing in the next preceding four sections shall apply to any case in which the allowance is fixed by the instrument creating the trust.

Advocate entitled to profit costs

54. In addition to any allowance a trustee who is an advocate shall also be entitled to profit costs for any professional work done in connection with the trust.

LIMITATION OF ACTIONS.

Application of statutes of limitations to certain actions against trustees

55. In any action or other proceeding against a trustee or any person claiming through him, except where the claim is founded upon any fraud or fraudulent breach of trust to which the trustee was party or privy, or is to recover trust property, or the proceeds thereof, still retained by the trustee, or previously received by the trustee and converted to his use, the following provisions shall apply:

- (a) The law relating to the limitation of actions shall apply in the like manner and to the like extent as it would in such action or other proceeding if the trustee or person claiming through him had not been a trustee or a person claiming through a trustee.

(b) If the action or other proceeding is brought to recover money or other property and is one to which no law relating to the limitation of actions applies the trustee or person claiming through him shall be entitled to the benefit of and be at liberty to plead the lapse of time as a bar to such action or other proceeding in the like manner and to the like extent as if the claim had been against him in an action of debt for money had and received; but so nevertheless that the statute shall run against a married woman entitled in possession for her separate use whether with or without restraint upon anticipation but shall not begin to run against any beneficiary unless and until the interest of such beneficiary becomes an interest in possession.

(2) No beneficiary, as against whom there would be a good defence by virtue of this section, shall derive any greater or any other benefit from a judgment or order obtained by another beneficiary than he could have obtained if he had brought the action or other proceeding and this section had been pleaded.

(3) This section shall apply only to actions or other proceedings commenced after the passing of this Ordinance and shall not deprive any executor or administrator of any right or defence to which he is entitled under any law relating to limitation of actions.

JUDICIAL TRUSTEES.

56. Where application is made to the Supreme Court or a judge thereof by or on behalf of the person creating or intending to create a trust or by or on behalf of a trustee or beneficiary the court or judge may in its or his discretion appoint a person (in this Ordinance called a judicial trustee) to be a trustee of said trust either jointly with any other person or as sole trustee and if sufficient cause is shown in place of all or any existing trustees.

(2) The administration of the property of a deceased person whether a testator or intestate shall be a trust and the executor or administrator a trustee within the meaning of this section.

(3) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee and in the absence of such nomination or if the court or judge is not satisfied of the fitness of a person so nominated an official of the court or other competent person may be appointed and in any case a judicial trustee shall be subject to the control and supervision of the court as an officer thereof.

(4) The court or judge may either on request or without request give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.

(5) There may be paid to a judicial trustee out of the trust property such remuneration not exceeding the prescribed

limits as the court or judge may assign in each case and the remuneration so assigned to any judicial trustee shall save as the court or judge may for special reasons otherwise order cover all his work and personal outlay.

(6) Once in every year the accounts of every trust of which a judicial trustee has been appointed shall be audited and a report thereon made to the court by the prescribed persons and in any case where the court or judge shall so direct an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee shall be made in the prescribed manner.

1903

(Second session)

CHAPTER 12

An Ordinance to amend Chapter 44 of the Consolidated Ordinances 1898, intituled "An Ordinance respecting Hire Receipts and Conditional Sales of Goods."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Sections 3, 4 and 5 of *An Ordinance respecting Hire Receipts and Conditional Sales of Goods* are hereby repealed. Sections 3, 4 and 5 repealed

1903

(Second session)

CHAPTER 13

An Ordinance to amend Chapter 50 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Masters and Servants."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 3
amended

1. Section 3 of *An Ordinance respecting Masters and Servants* is hereby amended :

1. By striking out the words "upon proof on oath of the personal service of the summons" where they occur therein ; and

2. By adding to the said section 3 the following subsections:

"(2) If upon the inquiry by the justice it is made to appear by the oath of the master or employer or some person acquainted with the facts that such master or employer would or might be entitled to a claim in a civil action by the complainant for the recovery of the wages claimed by way of setoff or counterclaim the justice shall not further inquire into the matter but shall forthwith transmit the information and other papers to the clerk or deputy clerk of the Supreme Court in whose district or subjudicial district respectively the matter arose.

(3) The clerk or deputy clerk upon receipt of the papers shall immediately enter the complaint as an action under Order 47 of the rules of Court and the information or complaint shall be considered a statement of claim and the statement under oath of the master or servant or other person the dispute.

(4) The clerk or deputy clerk shall thereupon forthwith submit the papers to the judge who shall fix a day for the trial of the said complaint and the procedure thereupon shall be the procedure provided by said Order 47.

(5) In the event of the judgment upon the trial by the judge being in favour of the complainant such judgment may be enforced by distress warrant or otherwise in the same manner as if it had been made by the justice before whom the complaint was laid."

Ordinance
applies to
corporation

2. It is hereby declared that the term "master or employer" wherever used in the said Ordinance includes a corporation as well as an individual or partnership.

1903

(Second session)

CHAPTER 14

An Ordinance to amend Chapter 51 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting the Legal Profession and the Law Society of the Territories."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. The Law Society may make rules and regulations for the admission as advocates of persons other than those mentioned in section 5 of *The Legal Profession Ordinance* provided that no such person shall be admitted unless he is a British subject and has been admitted to practice as a legal practitioner in some province, state or country and has passed such examination, if any, and served such time, if any, and paid such fees as the Law Society may prescribe.

Admission of
advocates in
special cases

1908

(Second session)

CHAPTER 15

An Ordinance to amend Chapter 52 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting the Medical Profession."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Any applicant for registration under section 29 of *The Medical Profession Ordinance* whose application is refused may apply to a judge of the Supreme Court for an originating summons directed to the council to show cause why he should not be registered and upon the return of such summons the judge may make an order confirming the refusal of the council or directing the council to register the applicant and may make such order as to costs as to him shall seem just.

Appeal to
judge for
refusal to
register

1903

(Second session)

CHAPTER 16

An Ordinance respecting Dentistry.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The Dental Profession Ordinance*." Short title

INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation

The word "college" shall mean "The College of Dental Surgeons of the North-West Territories" incorporated by this Ordinance;

The word "council" shall mean the "council" of the said college provided for by this Ordinance;

The word "secretary" shall mean the secretary of the said council;

The words "legally qualified," "dental practitioner" or "duly qualified dental practitioner" or any other words implying legal recognition of any person as a dental practitioner or member of the dental profession shall mean a person registered under the provisions of this Ordinance.

COLLEGE OF DENTAL SURGEONS.

3. The members of The Dental Association of the North-West Territories as constituted by *The Dentistry Ordinance* being chapter 53 of The Consolidated Ordinances 1898 and all persons registered as members as hereinafter provided are hereby constituted a body corporate under the name of "The College of Dental Surgeons of the North-West Territories" and shall be deemed a body politic and corporate and shall have perpetual succession and a common seal with power to sue or be sued and to acquire, hold or dispose of chattel property and real estate for the purpose of this Ordinance. College of dental Surgeons constituted

COUNCIL OF COLLEGE—ELECTION OF MEMBERS.

4. There shall be a council of the said college to be appointed in the manner hereinafter provided and hereinafter referred to as the council. Council

Qualified
voters

5. The persons entitled to vote at elections of members of the council shall be persons registered as dental practitioners in pursuance of this Ordinance.

Members of
council

6. No person shall be eligible to be elected as a member of the council unless he is registered in pursuance of this Ordinance.

Five members

7. The council shall consist of five members to be elected as hereinafter provided.

Conduct of
elections

8. The charge and conduct of the election for members of the council shall be under the management of the secretary of the council and the time and place of such election shall be determined by the council so that however there shall be an election in every odd numbered year.

Votes

9. Every person entitled to vote may vote for five members and in case of any person placing more than five names on his voting paper the first five only shall be counted.

Method of
voting

10. Such votes shall be given by closed voting paper in the form A in the schedule to this Ordinance signed by the voter and delivered to the secretary on the day of election or within the twenty days preceding it. Any voting paper received by the secretary by post shall be deemed to be delivered to him.

Scrutineers

11. The council shall appoint two persons who with the secretary shall act as scrutineers at the election. On the day succeeding the day of election the secretary shall in the presence of the other two scrutineers proceed to open the voting papers and count the votes and record the same in a book of record to be provided by the council.

Voters may
be present

12. Any person entitled to vote at an election shall be entitled to be present at the opening and counting of the voting papers.

Term

13. The five persons who have the highest number of votes shall be the members of the council for the two years from the first day of January next after the date of the election or until their successors are elected.

Equality of
votes

14. In case of an equality of votes between two or more persons the scrutineers shall forthwith put into a ballot box a number of papers equal to the number of candidates who have an equality of votes the said papers each having the name of one of such candidates written thereon being one paper for each such candidate. The said papers shall be folded so that the name of the candidate shall be on the inside and not distinguishable without the paper being opened. The papers shall be mixed in the ballot box in the presence of the other two scrutineers and the secretary shall draw by chance from such ballot box in the presence of the other two scrutineers

one or more papers sufficient to make up the required number of persons and the persons whose names are so drawn shall be deemed to be elected members of the council.

15. No person shall be entitled to vote at such elections Eligibility after the first election unless his fees to the council are paid. No person shall be eligible unless qualified to vote at such election and the votes cast for any person who is ineligible to vote shall be null and void.

16. The secretary shall one month previous to the day on List to be made out which the election is to be held make out an alphabetical list of the registered practitioners entitled to vote and forward by mail prepaid a copy of the said list together with a copy of the voting paper in form A in the schedule hereto to each registered practitioner.

(2) In case any registered practitioner complains to the secretary in writing of the improper insertion or omission of any name in the said list it shall be the duty of the secretary to examine into the said complaint and rectify the error if there be any; and in case the party complaining is dissatisfied with the decision of the secretary he may appeal to a judge of the Supreme Court provided such appeal is made within ten days before the day on which the election is to be held; and such judge shall hear and decide such appeal in a summary way and such notice as the said judge shall direct shall be given to the persons specified in the notice before the said hearing and if he deem necessary evidence may be taken by him *viva voce* under oath or by affidavit according as he shall direct and the decision of such judge shall be final.

17. The list so made out by the secretary with any amendments that may be made thereto by a judge of the Supreme Court as aforesaid provided shall be held to be the register of the persons entitled to vote and no person shall be entitled to vote whose name is not on such register or list. Voters' list conclusive

18. The members of the council may make such regulations Election regulations as they consider expedient not inconsistent with this Ordinance for regulating the procedure in such elections.

19. The voting papers belonging to any election shall not Voting papers to be preserved be destroyed until after petitions in respect to such election have been decided but the same together with all other papers in connection with such election shall be retained by the secretary for three months after such election.

20. No petition against the return of any member shall be Disputed election entertained by the council unless such petition is filed with the secretary within sixty days after such election and unless a copy of such petition is served on the member whose election is disputed within sixty days after such election.

21. Upon receipt of any such petition against the election Inquiry into disputed election of any member by the secretary he shall upon proof that notice

as aforesaid has been served on the member whose election is disputed forthwith notify the council and the council shall meet within one week after said notice and the council shall hold an inquiry into the said disputed election and shall decide the same and their decision shall be final. If the election is found to be illegal the council shall thereupon order a new election.

Vacancies in
council, how
supplied

22. In case of the failure to elect the requisite number of duly qualified members of the council or in case of the death or resignation of any of the members or in case of a vacancy by any other cause then it shall be the duty of the remaining members of the council to supply the deficiency by appointing to such vacant place or places as may thus occur any person duly qualified under this Ordinance to become a member.

PRESIDENT AND OFFICERS.—MEETINGS OF COUNCIL.

Officer

23. The council shall from among its members annually appoint a president, vice president and secretary treasurer and such other officers as may from time to time be deemed necessary for the carrying out of this Ordinance who shall hold office for the term of the council and until their successors are appointed and the council may by bylaw affix the salaries of such officers and of the board of examiners hereinafter appointed.

Executive

24. The council shall annually appoint from among its members an executive committee who shall take cognisance of any action upon all such matters as shall be delegated to it by the council or as shall require immediate attention between the adjournment of the council and its next meeting but the said committee shall have no power to alter, repeal or suspend any bylaw of the council.

Meetings

25. The council shall make rules and regulations as to the time and place of future meetings of the council and of the manner of summoning the same which rules and regulations shall remain in force until altered at any subsequent meeting and in the absence of any such rule or regulation it shall be lawful for the president or in the event of his death the secretary to summon the council at such time and place as to him shall seem fit.

Procedure

(2) In the event of the absence of the president the vice president or in the event of his absence any member of the council chosen from among the members of the council may act as president.

(3) All acts of the council shall be decided by the majority of the members present three members being required to form a quorum.

(4) The president or acting president shall at all times have a vote in the council.

26. There shall be paid to the members of the council such fees for attendances and such reasonable travelling expenses as shall from time to time be fixed by the council. Fees to members of council

REGISTRATION.

27. The council shall cause to be kept by the secretary a book or register in which he shall enter the name of every dental practitioner who is entitled to be registered under the provisions of this Ordinance and from time to time the names of all persons who comply with the said provisions and those persons only whose names are inscribed in such book or register shall be deemed to be qualified to practise dentistry or dental surgery in the North-West Territories and such book shall be open to inspection at all times. Register

28. It shall be the duty of the secretary to keep his register correct in accordance with the provisions of this Ordinance and the rules, orders and regulations of the council and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance and the said secretary shall perform such other duties as may be imposed upon him by the council not inconsistent with this Ordinance. Secretary's duties

29. The following persons upon payment of the prescribed fee shall be entitled to be registered as members of The College of Dental Surgeons of the North-West Territories: Qualifications of members of college

(a) All persons who are at the time of the passing of this Ordinance members of The Dental Association of the North-West Territories.

(b) Any person possessing a diploma of graduation in dental surgery from any Canadian dental college or any Canadian university having a special dental department or from any such institution duly authorised by the laws of Great Britain or any of her dependencies.

(c) Any member of any incorporated college of dentistry or of dental surgeons of any province of Canada having powers similar to those conferred by this Ordinance upon The College of Dental Surgeons of the North-West Territories by which under the laws of the province governing the said incorporated body similar rights to register and to practise dentistry are granted to the persons registered under this Ordinance.

(d) Any person holding a diploma or certificate of qualification from a dental college or school of dental surgery which at the time when such person applies for registration grants its diploma or certificate of qualification only after a four year course of lectures and practise and producing satisfactory evidence that the holder of such diploma or certificate is recognised as qualified to practise dentistry in the country, province or state within which such diploma or certificate has been granted.

(e) Any person licensed or entitled to be licensed to practise dentistry or dental surgery in the United Kingdom of Great Britain and Ireland.

(f) Any person who shall satisfy the council that he has practised dentistry or dental surgery for at least five years and shall pass before the members of the council or such examiners as may be appointed for the purpose a satisfactory examination touching his fitness and capacity to practise as a dentist or dental surgeon.

Registration
fee

30. The fee payable for registration under the next preceding section shall be the sum of \$50 except for persons registered under clause (a) thereof who shall not be required to pay any fee for such registration.

Annual
membership
fee

31. Each member shall pay to the secretary or to any person deputed by the secretary to receive it such annual fee as may be determined by bylaw of the council not exceeding \$2 towards the general expenses of the council which fee shall be payable on the first day of January in each year and such fee shall be deemed to be a debt due by each member of the said college :

Provided that the council may in any case in which it deems expedient remit any annual fees due to the college by any member who is or has been a resident out of the Territories during the period in respect of which fees become due.

Appeal from
refusal to
register

32. Any applicant for registration under section 29 whose application is refused may appeal to a judge of the Supreme Court who may hear such appeal and make such order thereon as may seem just.

Erasure of
name from
register

33. The council may at any time direct that the name of any person improperly registered be erased from the register.

GENERAL POWERS OF COUNCIL.

Council to
regulate
register and
examinations

34. The council shall from time to time as the occasion may require make regulations and bylaws for regulating the register to be kept under this Ordinance and shall from time to time make rules and regulations for the guidance of the examiners and may prescribe the subjects and modes of examinations and generally make all such rules and regulations in respect of examinations not contrary to the provisions of this Ordinance as the council may deem expedient and necessary.

General rules

35. The council may from time to time make, alter or amend and repeal rules and regulations for the well being and discipline of the council, the conduct of its affairs and the promotion of dental and surgical knowledge and the disposition of the funds of the council provided such rules and regulations be not repugnant to the provisions of this Ordinance.

CENTRAL EXAMINATION BOARD.

36. The council shall have power to establish an examining board and to prescribe fees for examinations and may jointly with the council or councils of colleges of dentistry or dental surgeons incorporated under any act of the Legislature of any province of Canada possessing powers similar to those conferred on The College of Dental Surgeons of the North-West Territories constitute a central examining board and delegate to such boards all powers possessed by the said council respecting the examination of candidates for admission to practise dentistry or dental surgery including the imposition of examination fees:

Examining boards

Provided that such power shall not be exercised unless the persons passing any examinations of such central examining board shall on complying with the laws and rules of the respective councils in other respects be entitled to registration as legally qualified dental practitioners in the province whose councils may have jointly with the said council established such central examining board; and

Provided further that any examinations conducted by such central examining board shall be held in at least one place within the Territories simultaneously with such examinations held in any province.

DISCIPLINARY.

37. If any registered dental practitioner shall be convicted of any indictable offence or shall after due inquiry be judged by the council to have been guilty of infamous conduct in any professional respect such council may if it sees fit direct the secretary to erase the name of such practitioner from the register and the name of such person shall be erased by the secretary from the register.

Misconduct of registered practitioner

38. The council may and upon the application of any three registered dental practitioners shall cause inquiry to be made in the case of a person alleged to be liable to have his name erased under the next preceding section and on proof of such conviction or infamous conduct shall cause the name of such person to be erased from the register:

Inquiry

Provided that the name of a person shall not be so erased on account of his adopting or refraining from adopting the practise of any particular theory of dentistry or dental surgery nor on account of a conviction for a political offence out of His Majesty's dominion nor on account of a conviction for an offence which though within the provisions of the last preceding section ought not in the opinion of the council or the committee hereinafter named either from the trivial nature of the offence or from the circumstances under which it was committed to disqualify a person from practising dentistry or dental surgery.

39. The council may order to be paid out of the funds at their disposal such costs as may to them seem just to any

Costs

person against whom any complaint has been made which when finally determined is found to have been frivolous and vexatious.

Name erased
not to be
restored
without
authority

40. Where the council direct the erasure from the register of the name of any person or of any other entry the name of that person or that entry shall not be again entered on the register except by the direction of the council or by the order of a judge of the Supreme Court.

Restoration
of name
erased

41. If the council see fit in any case they may direct the secretary to restore to the register any name or entry erased therefrom either without fee or on payment of such fee not exceeding the registration fee as the council may fix and the secretary shall restore the same accordingly.

Committee
of inquiry

42. The council shall for the purpose of exercising in any case the power of erasing from and restoring to the register the name of any person or other entry ascertain the facts of such case by a committee of their own body of whom the quorum shall be three and a written report of the committee may be acted upon as to the facts therein stated for the purpose of the exercise of the said powers by the council.

Constitution
of committee

43. The council shall from time to time appoint and shall always maintain a committee for the purposes prescribed in the last preceding section and subject to the provisions of this Ordinance may from time to time determine the constitution and the number and tenure of office of the members of such committee.

Legal assist-
ance

44. The committee appointed under the preceding section may for the purpose of the execution of their duties under this Ordinance employ at the expense of the council such legal or other assistance as to the committee may seem necessary or proper and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel:

Counsel

Provided that all meetings of such committee when held for taking evidence or otherwise ascertaining the facts shall be held within the judicial district or subjudicial district where the member complained of resides or the alleged offence was committed unless he shall consent to have the inquiry elsewhere.

Procedure on
inquiry

45. At least two weeks before the first meeting to be held for taking the evidence or otherwise ascertaining the facts a notice shall be served upon the person whose conduct is the subject of inquiry and such notice shall embody a copy of the charges made against him or a statement of the subject matter of the inquiry and shall also specify the time and place of such meeting. The testimony of witnesses shall be taken under oath which the chairman of the committee is hereby authorised to administer and there shall be full right to cross examine all witnesses called and to adduce evidence in defence and reply.

46. For the purpose of procuring the attendance and evidence of a witness before the committee a judge of the Supreme Court may on application of any party to the inquiry order the issue by the clerk of the Supreme Court or a deputy clerk of a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*.

The rules of evidence on such inquiry and the proceedings and penalties in the case of disobedience to any such writ shall be the same as obtain in civil cases in said court.

47. In the event of the nonattendance of the person whose conduct is the subject of such inquiry the committee may upon proof of the personal service of the notice aforesaid in accordance with the provisions of this Ordinance which proof of service may be by statutory declaration proceed with the subject matter of the inquiry in his absence and make their report of the facts without further notice to such person.

48. Any person whose name has been ordered to be erased from the register may appeal from the decision of the council to a judge of the Supreme Court at any time within six months of the date of the order for such erasure and such judge may upon the hearing of such appeal make such order as to the restoration of the name so erased or confirming such erasure or for further inquiries by the committee or council into the facts of the case or otherwise and as to costs as shall seem just.

49. The secretary shall upon the request of any person desiring to appeal furnish such person a certified copy of all proceedings, reports, orders and papers upon which the committee or council have acted in making the report or order complained of and such certified copy may be used by the appellant in evidence as if it were the original of which it purports to be a copy.

RIGHTS OF REGISTERED PRACTITIONERS.

50. Every person who has been registered and has paid his annual fee under the provisions of this Ordinance shall be entitled to practise dentistry and dental surgery or either of them in the Territories and demand and recover in any court in the said Territories with full costs of suit reasonable charges for professional aid, advice and visits and the cost of any medicine or surgical appliances rendered or supplied by him to his patients.

51. No person shall be entitled to recover any charge in any court of law for any dental or surgical advice or for attendance or for the performance of any operation or for any medicine which he may have prescribed unless he is registered under this Ordinance and has paid his annual fee.

PUBLICATION OF DENTAL REGISTER.

Register of
practitioners,
publication
and effect of

52. The secretary shall from time to time and at least once in each year under the direction of the council cause to be printed and published a correct register of the names in alphabetical order according to the surnames with the respective residences in form B in the schedule to this Ordinance or to the like effect together with the dental titles, diplomas or qualifications conferred by any college or body of all persons appearing on the register as existing on the day of publication and such register shall be called The North-West Territories Dental Register and a copy of the register for the time being purporting to be so printed and published as aforesaid shall be *prima facie* evidence in all Territorial courts and before all justices of the peace and all others that the persons therein specified are registered according to the provisions of this Ordinance and subject to the provisions of subsection (2) of this section the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Ordinance.

(2) A certificate under the hand of the secretary certifying that any person is registered under this Ordinance shall be *prima facie* evidence that such person is so registered.

EVIDENCE OF REGISTRATION.

Further
evidence of
registration

53. In all cases where proof of registration under this Ordinance is required to be made the production of a printed or other copy of the register or of any extract therefrom certified by the secretary and under the corporate seal of the college shall be sufficient evidence of registration in lieu of the production of the original register and any certificate purporting to be signed by any person in his capacity as secretary of the council under this Ordinance shall be *prima facie* evidence that such person is such secretary without any proof of his signature or of his being in fact such secretary.

OFFENCES AND PENALTIES. PROSECUTIONS.

Practitioners
omitting to
register

54. Any person entitled to be registered under this Ordinance but who neglects or omits to be so registered shall not be entitled to any of the rights and privileges conferred by registration so long as such neglect or omission continues and he shall be liable to all the penalties imposed by this Ordinance or any other Ordinance in force against unqualified or unregistered practitioners.

Unregistered
persons
practising
for reward

55. No unregistered person shall practise dentistry or dental surgery for hire or hope of reward; and if any person not registered pursuant to this Ordinance for hire, gain or hope of reward practises or professes to practise dentistry or dental surgery he shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding \$100.

56. Any person who wilfully and falsely pretends to be a ^{Pretending to be a dentist} dentist, dental surgeon or dental practitioner or assumes any title, addition or description other than he actually possesses or is legally entitled to shall be liable on summary conviction thereof to a penalty not exceeding \$50 and not less than \$10.

57. Any person not registered pursuant to this Ordinance who takes or uses any name, title, addition or description ^{Assuming false title} implying or calculating to lead people to infer that he is registered under this Ordinance or that he is recognised by law as a dentist or dental surgeon or a licentiate in dentistry or dental surgery shall be liable upon summary conviction to a penalty not exceeding \$100 and not less than \$25.

58. Any prosecutions under this Ordinance may be brought ^{Prosecutions penalty} or heard before a justice of the peace and in case the penalty and costs awarded are not upon conviction forthwith paid the justice may commit the offender to a common gaol there to be imprisoned for any term not exceeding one month unless the penalty and costs are sooner paid.

59. In any prosecution under this Ordinance the burden of ^{Onus of proof} proof of registration shall be upon the person charged.

60. Every prosecution under this Ordinance shall be ^{Limitations of prosecution} commenced within six months from the date of the alleged offence.

61. The council by an order signed by the president ^{Council may withdraw prosecution} having the seal of the council appended thereto may withdraw any prosecution under this Ordinance where it is deemed expedient.

62. All fines and penalties imposed under any of the provisions of this Ordinance and all moneys to be received and ^{Application of fines} levied thereunder shall after the receipt thereof by the person authorised to receive the same be forthwith paid by such person to the treasurer for the uses of the college.

RETURNS.

63. The secretary whenever required by the Lieutenant ^{General returns may be called for} Governor shall transmit to the Territorial secretary a return verified by oath setting forth all such information and particulars relating to the college as may from time to time be required.

MISCELLANEOUS.

64. Where under this Ordinance any application is authorised to be made to or any proceedings authorised to be taken ^{Procedure before judge} before a judge of the Supreme Court such application or proceedings may be by originating summons in accordance with the rules of Court.

Property

65. All the real and personal property of The Dental Association of the North-West Territories and all the books, papers and documents belonging to the said association shall on the coming into force of this Ordinance become vested in and become the property of The College of Dental Surgeons of the North-West Territories.

Provisional secretary

66. The Lieutenant Governor in Council may appoint a provisional secretary of the council who shall hold office until a secretary is appointed by the council and who shall perform all the duties of the secretary for the purpose of holding the first election of members of the council and shall for the purposes of said election appoint two scrutineers who shall act with him for the purpose of opening and recording the voting papers.

Appointment of auditor

67. The Lieutenant Governor in Council may also appoint an auditor who shall proceed with all convenient speed to audit the books and accounts of the dental association hereinbefore referred to and report to the council.

Secretary of association to furnish list of members, etc.

68. The secretary treasurer of the said dental association shall forthwith upon the appointment of the provisional secretary of the council furnish him with a list of all the members of the said dental association and deliver to him all moneys in his possession or power the property of the said association and shall also forthwith on the appointment of the auditor in the next preceding section mentioned deliver to him all books, papers and other property of the said association for the purpose of his audit which shall be delivered by him to the council with his report.

First election

69. The first election of members of the council shall be held within three months after the coming into force of this Ordinance.

Term of office of first council

70. The members elected to the council at such first election shall hold office until the first day of January, 1906, and until their successors are elected.

Expense of first election how paid

71. The expenses of the first election and the auditor's and provisional secretary's fees which shall be fixed by the Lieutenant Governor in Council shall be paid out of the moneys received from the secretary treasurer of the said dental association and in the event of such moneys being insufficient any deficiency shall be paid by the council.

First meeting of council

72. The provisional secretary shall call the first meeting of the council within two weeks after the holding of the said election.

Ordinance not to apply to medical practitioners

73. The provisions of this Ordinance shall not apply to any registered practitioner of medicine or surgery in the Territories.

74. Chapter 53 of *The Consolidated Ordinances 1898*, Repeal Chapter 9 of the *Ordinances of 1899*, Chapter 16 of the *Ordinances of 1900* and Chapter 6 of the *Ordinances of 1902* are hereby repealed.

SCHEDULE.

FORM A.

THE DENTAL PROFESSION ORDINANCE VOTING PAPER FOR ANNUAL ELECTION.

I, John Williams, a registered dental practitioner, vote for the five persons hereinafter named to form members of The Council of College of Dental Surgeons of the North-West Territories :

- 1
- 2
- 3
- 4
- 5

And I, John Williams, solemnly declare that I am entitled to vote at this election and that I am not in default of my fees to the council.

Dated 1903. at this day of

Witness

FORM B.

NAME	RESIDENCE	QUALIFICATION

1903

(Second session)

CHAPTER 17

An Ordinance to amend Chapter 55 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Veterinary Surgeons."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

New section 2 1. Section 2 of *An Ordinance respecting Veterinary Surgeons* is hereby repealed and the following substituted therefor:

Issue of
licence

"2. Such licence may issue upon payment of a fee of \$15 to the following persons and no others:

1. Any person possessing a diploma or certificate of admission as a veterinary surgeon in any part of His Majesty's dominions granted by any school, college, body or association empowered by law to grant such diploma or certificate;

2. Any person possessing a diploma or certificate of admission as a veterinary surgeon in any part of the United States of America granted by any school, college, body or association recognised by the American Veterinary Medical Association as qualified to grant such diploma or certificate."

1903

(Second session)

CHAPTER 18

An Ordinance to amend Chapter 59 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Liens in favour of Mechanics and others."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 2 of *The Mechanics' Lien Ordinance* is hereby amended by adding thereto the following paragraph: Section 2
amended

"4. The expression labourer shall extend to and include every mechanic, artisan, machinist, miner, builder or other person doing labour for wages." Labourer

2. No contractor or subcontractor shall be entitled to demand or receive any payment in respect of any contract where the contract price exceeds five hundred dollars until he or some person in charge of the works or improvements shall post upon the works or improvements a copy of the receipted pay roll from the hour of 12 noon to the hour of 1 p.m. on the first legal day after pay day and shall have delivered to the owner or other person acting on his behalf the original pay roll containing the names of all labourers who have done work for him upon such works or improvements with a receipt in full from each of the said labourers with the amounts which were due and had been paid to each of them set opposite their respective names which pay roll may be in the form in the schedule hereto and no payment made by the owner without the delivery of such pay roll shall be valid for the purpose of defeating or diminishing any lien upon such property, estate or interest in favour of any such labourer. No assignment by the contractor or any subcontractor of any moneys due in respect to the contract shall be valid as against any lien given by the said Ordinance. As to all liens except that of the contractor the whole contract price shall be payable in money and shall not be diminished by any prior or subsequent indebtedness, setoff or counterclaim in favour of the owner against the contractor. Receipted pay
rolls to be
posted on
works

(2) A substantial compliance only with this section shall be required and no lien shall be invalidated by reason of failure to comply with any of the requisites thereof unless in the opinion of the Court or judge adjudicating upon the lien

under the said Ordinance the owner, contractor, subcontractor, mortgagee or other person is prejudiced thereby and then only to the extent to which he is prejudiced and the Court or judge may allow the affidavit and statement of claim to be amended accordingly.

(3) Section 9 of the said Ordinance is to be read subject to the provisions of this section.

3. This Ordinance shall come into force on the first day of March, 1904.

SCHEDULE.

PAY ROLL.

Name	Description	From 5th January, 1903, to 10th January, 1903 (inclusive).			Amount paid	Date of pay- ment	Received payment in full
		Number of days employed	Rate per day	Total amount earned			
R. Roe.		Six days.	\$3.50	\$21.00	\$21.00	12th Jan. 1903	R. Roe.

I hereby certify that the above statement is correct to the best of my knowledge and belief and is made by me on account of (my contract to, or employment by, *as the case may be*), [*here insert brief description of the work*] for [*owner's name*] up to the day of 190

(Signed),

Contractor.

Dated day of 190 .

1903

(Second session)

CHAPTER 19

An Ordinance to amend Chapter 14 of the Ordinances of 1903 (First session), intituled "An Ordinance respecting Foreign Companies."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Subsection (3) of section 3 of *The Foreign Companies Ordinance 1903* is hereby repealed and the following sub-^{New subsection (3) section 3}stituted therefor:

"(3) The taking orders by travellers for goods, wares or merchandise to be subsequently imported into the Territories to fill such orders or the buying or selling of such goods, wares or merchandise by correspondence if the company has no resident agent or representative and no warehouse, office or place of business in the Territories the onus of proving which shall in any prosecution under this section rest on the accused shall not be deemed to be carrying on business under the meaning of this Ordinance."

1903

(Second session)

CHAPTER 20

An Ordinance to amend Chapter 16 of the Ordinances of 1903 (First Session), intituled "An Ordinance to Secure Uniform Conditions in Policies of Fire Insurance."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 3
amended

1. Section 3 of *The Fire Insurance Policy Ordinance* is hereby amended by striking out the words "altered or otherwise dealt with" where they occur therein.

Paragraph 8
statutory
conditions
amended

2. Paragraph 8 of the statutory conditions contained in the schedule to the said Ordinance is hereby amended :

1. By striking out the words "receiving written" where they occur therein ; and

2. By inserting after the term "subsequent insurance" where it secondly occurs therein the words "has been mailed to it, addressed to it at its principal office in the North-West Territories or at the post office of the agency where the application for insurance was made, by registered letter."

Clause (d) of
paragraph 13
amended

3. Clause (d) of paragraph 13 of the said conditions is hereby amended by striking out the words "warehouse receipts and stock lists" and the words "to separate as far as reasonably may be the damaged from the undamaged goods" where they occur therein.

Paragraph 17
amended

4. Paragraph 17 of the said conditions is hereby amended by striking out the word "thirty" where it occurs therein and substituting therefor the word "sixty."

New
paragraph 19

5. Paragraph 19 of the said conditions is hereby repealed and the following substituted therefor :

"19. The insurance may be terminated by the company by giving notice to that effect and if on the cash plan by tendering therewith a ratable proportion of the premium for the unexpired term calculated from the termination of the notice ; in the case of personal service of the notice five days' notice excluding Sunday shall be given. Notice may be given by any company registered under the provisions of *The Foreign Companies Ordinance* and having an agency in the Territories

by registered letter addressed to the assured at his last post office address notified to the company and where no address notified then to the post office of the agency from which application was received and where such notice is by letter then ten days from the arrival at any post office in the Territories shall be deemed good notice. And the policy shall cease after such tender and notice aforesaid and the expiration of the five or ten days, as the case may be."

1903

(Second session)

CHAPTER 21

An Ordinance respecting Mutual Fire Insurance.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Short title

1. This Ordinance may be cited as "*The Mutual Fire Insurance Ordinance*."

INTERPRETATION.

Interpretation

2. Where the words following occur in this Ordinance they shall be construed in the manner hereinafter mentioned unless such construction be inconsistent with the context or subject matter, viz:

"Registrar" shall mean the registrar of Joint Stock Companies as defined by *The Companies Ordinance*;

"Mutual Insurance" shall mean insurance against loss by fire given in consideration of a premium note or undertaking as provided by this Ordinance with or without a cash payment thereon;

"Mutual Fire Insurance Company" or "Mutual Company" shall mean a company organised in terms of this Ordinance and empowered only to transact mutual insurance business;

"Member" shall mean a holder of a subsisting mutual insurance policy issued by a mutual company;

"Premium note" shall mean an instrument given as consideration for insurance whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer the aggregate of such sums not to exceed an amount specified in the instrument.

INCORPORATION.

Certificate of agreement to form company

3. Any thirty or more persons each having an insurable interest in property real or personal exposed to damage by fire who may desire to form a mutual fire insurance company under this Ordinance may make and sign a certificate in writing in which shall be stated:

(a) That the persons signing have agreed to form a mutual fire insurance company under this Ordinance;

- (b) The name of the company which shall contain the words "mutual fire" and shall be subject to approval by the registrar;
 - (c) The name of the city, town or other place in which the principal office of the company is to be located;
 - (d) That each person signing will become a member of the company by insuring with the company property in which he has an insurable interest according to the mutual insurance plan and subject to the rates, tariff and entrance fees to be determined by the provisional directors of the company;
 - (e) The number and names of the provisional directors of the company—who shall not be less than seven nor more than fifteen—who shall manage all the affairs of the company until the first general meeting of the company;
 - (f) That the members are not individually liable for the debts of the company beyond the amounts due under the premium notes given by each to the company.
- (2) Such certificate shall be in duplicate and shall be signed in the presence of at least one witness and shall be accompanied by an affidavit by the witness proving the signatures made before some person authorised to take affidavits for use in the Supreme Court of the North-West Territories.
- (3) The total amount of insurance proposed to be taken under such certificate shall be not less than thirty thousand dollars.
4. One duplicate of the said certificate shall be filed with ^{Incorporation} the registrar accompanied with a fee of ten dollars and thereupon the subscribers thereto and other persons thereafter becoming members shall be a body corporate by and under the name adopted and approved by the registrar and have a common seal.
5. The registrar shall thereupon fix the date and place of ^{First general meeting} the first general meeting of the company and cause a notice to be published in the next and one following issue of the official gazette in the form following, viz.:

MUTUAL FIRE INSURANCE ORDINANCE.

Certificate filed for incorporation of the
Mutual Fire Insurance Company of this date.

Head office in _____ North-West Territories.

The following are the provisional directors of the company, viz.:

(Insert names and addresses.)

The liability of the members is limited.

The first general meeting of the company will be held in

on the _____ day of _____, 190

at the hour of _____ o'clock in

Registrar.

Certified copy
of certificate of
incorporation
as evidence

6. A copy of any certificate of incorporation filed in pursuance of this Ordinance certified by the registrar or a copy of the official gazette containing the registrar's notice of such certificate or a certificate of the registrar of any facts respecting any mutual company shall be *prima facie* evidence of the facts therein stated.

Powers of
company

7. A mutual company so incorporated may sue or be sued in any court under the corporate name; it may purchase, lease, hold, sell, convey or mortgage any real or personal property required for the business of the company or for the investment of any reserve fund or other moneys belonging to the company; it may also invest funds belonging to the company on mortgage on real estate; or in the purchase of dominion, provincial or municipal bonds or on such other securities or investments as the directors may select; and it may appoint such officers or agents as the business of the company shall require and define their powers and duties and fix their remuneration and the amount of the security to be required of them; and it may make bylaws not inconsistent with this Ordinance for the management of its business, the regulation of the tariff of rates, the levying of assessments and the terms and conditions of its insurance policies.

Forfeiture of
the corporate
powers

8. The corporate powers of the company shall be forfeited and cease except for the purpose of winding up provided—

(1) That there are not before the lapse of one year from the date of filing the certificate of incorporation mutual insurance policies of the company in force to a total amount of two hundred thousand dollars; or

(2) That at any time thereafter the total amount of such insurance policies shall have diminished and become less than two hundred thousand dollars.

Directors may
exercise
powers

9. The corporate powers of the company may be exercised by the provisional board of directors prior to the date of the first meeting of the company and thereafter by the successive boards of directors appointed by the members of the company.

Provisional
directors
to appoint
officers

10. Within one month after incorporation of the company the provisional directors shall meet and appoint a president and vice president from their own number and shall also appoint a secretary and a treasurer and such other officers as may be required to hold office till after the first general meeting of the company and shall also within such period prepare a tariff of rates for premium notes and for entrance fees and fixed annual payments to be paid or undertaken by members in exchange for the insurance policies of the company and they shall adopt such other measures as will conduce to the establishment and furtherance of the company business and shall also prepare such bylaws as they deem necessary to regulate the business of the company or for any other purpose to be submitted to the first general meeting of the company.

THE DIRECTORS, THEIR ELECTION AND POWERS.

11. The affairs of the company shall be managed by a board of directors of not less than seven or more than fifteen members the majority of whom shall be British subjects and all of whom shall be members of the company and holders of insurance therein for at least one thousand dollars each.

12. At the first meeting of the company a board of directors shall be elected from amongst the subscribers such board to consist of not less than seven or more than fifteen members and no subscriber shall be elected as a director unless he is a subscriber for insurance in the company to at least one thousand dollars.

13. The directors so elected shall hold office and enjoy all the powers exercised by the directors elected as hereinafter provided until replaced or reelected at the first annual meeting of the company.

14. In case an election of directors be not made on the day on which it ought to have been made the company shall not for this cause be dissolved but the election may be held on any subsequent day at a meeting to be called by the directors for that purpose or as is otherwise provided for by the bylaw of the company and in such case the directors shall continue to hold office until their successors are elected.

GENERAL POWERS OF THE BOARD OF DIRECTORS.

15. The board shall appoint a president and vice president from their own number and may from time to time appoint a manager, a secretary, a treasurer and such other officers, agents or assistants as to them may seem necessary, prescribe their duties, fix their compensations or allowances, take such security from them as may be required for the faithful performance of their respective duties and remove them and appoint others instead.

16. The said board may also adopt a tariff of rates for insurance and vary the same from time to time and determine the sum to be insured on any property.

17. The board of directors may from time to time make and prescribe such regulations or bylaws as to them may appear needful and proper respecting the funds and property of the company, the duties of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by the company, the holding of the annual meeting, and such other matters as appertain to the business of the company and are not contrary to law and may from time to time alter and amend the said regulations and bylaws except in cases with regard to which such regulations or bylaws may not be repealed or where such repeal would affect the rights of others

than the members of the company ; in any of which cases such regulations or bylaws shall not be repealed.

Bylaws to
require
confirmation

18. Every bylaw and every repeal, amendment or re-enactment thereof unless in the meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company and in default of confirmation thereat shall at and from that time cease to have force and in that case no new bylaw to the same or like effect shall have any force until confirmed at a general meeting of the company.

Board to
manage
property of
company

19. The board of directors shall superintend and have the management of the funds and property of the company and of all matters relating thereto not otherwise provided for.

Manager may
be a director

20. The manager of a mutual company may be elected also a director though he may not be a member and he may be paid an annual salary or he may be remunerated for his services in such other form as the other directors may determine.

Paid officers
not eligible
for directors

21. No paid officer or person in the employment of the company other than the manager shall be eligible to be elected a director or to take part in the election of the directors though he may be a member of the company.

Directors to
hold office for
one year

22. The directors of the company shall hold office for a period of one year but shall be eligible for re-election.

Failing a
quorum at an
annual meet-
ing, directors
to hold office

23. In the event of a quorum not being present at the annual general meeting of the company the retiring directors shall hold office until their successors are appointed and the board shall convene another general meeting to be held within two months of the date of the annual general meeting to transact the business of the annual general meeting.

Directors to
fill vacancy at
board

24. In the event of a vacancy arising on the board of directors through the death, insolvency, disqualification or resignation of any of the directors or through the absence from three consecutive meetings of the board of any member without leave of the board which shall *ipso facto* vacate his office the vacancy so arising will be filled by the directors whose appointee shall hold office until the next annual general meeting of the company.

Borrowing
powers of
board

25. The board may issue debentures, mortgages or promissory notes in favour of any person, firm, company or banking institution for money borrowed and they may borrow money for the purposes of the company for any term not exceeding one year and on such conditions as to interest and mode of repayment as they may think proper ; and they may renew such debentures, mortgages or promissory notes from time to time if necessary within the said term of one year ;

but the total amount so borrowed shall at no time exceed one-half of the total amount remaining due on the premium notes held by the company.

26. The board shall not loan money to or borrow money from any director of the company or enter into any contract with any director other than the issue of a policy of insurance in the ordinary course of business. Lending money, etc., to directors forbidden

27. The directors may be paid a reasonable allowance for travelling expenses to attend meetings of the board or to attend to the business of the company. Directors entitled to travelling expenses

28. At any annual general meeting of the company it shall be lawful to vote to the directors or any of them for the preceding year such sum or sums of money as may be deemed reasonable remuneration for their services. Annual general meeting may vote payment to directors

MEMBERS.

29. The company through its board of directors may admit as a member thereof the owner of any property real or personal by the issuance to such owner of a policy of mutual insurance insuring such owner against loss in respect thereof as hereinafter provided and every person so admitted shall be entitled to like rights and be subjected to like liabilities as other members of the company. Admission of members

30. No applicant for insurance shall be deemed a member of the company or be entitled to be elected as a director of the company or be entitled to take part in any of the company's meetings until his policy of insurance has been issued to him. Applicant not a member

31. Any member of a company may with consent of the directors at any time withdraw therefrom upon such terms as the directors may require in respect of his obligations to the company. Member may withdraw with consent of directors

32. No member of a company shall be liable in respect of any loss or other claim or demand against the company otherwise than upon and to the extent of the amount unpaid upon his premium note or other undertaking. Limitation of liability

MEETINGS OF THE COMPANY.

33. At the first general meeting of the company the members shall appoint as a board of directors not less than seven nor more than fifteen duly qualified members of the company and they shall also pass such bylaws as shall be necessary in the interests of the company and they may appoint auditors or other officers of the company. First general meeting

34. Meetings of the members of a mutual company shall be held in every year within two months after the thirty-first day of December at such time and place as may be prescribed by the Annual general meetings

directors or by the bylaws of the company. At such meeting in addition to the election of directors there shall be submitted and considered a report of the transactions of the company for the preceding year together with a full statement of its affairs exhibiting in detail its receipts and expenditures and its assets and liabilities, and a report by the auditors of the company thereon.

Special
meeting

35. A special meeting of the members shall be convened by the directors at the written request of ten members of the company and the directors may themselves convene such a meeting when occasion requires; notice in either case shall be given in the manner hereinafter provided.

Notices of
annual or
special general
meetings

36. Notice of an annual or special meeting of the company shall be published in one or more daily or weekly newspapers published and circulating in the district embraced in the operations of the company and be given by circular letter mailed by the secretary to the last known postal address of the members at least fourteen days previous to the date of the meeting.

Votes at
meetings

37. Each member of the company shall be entitled at all meetings of the company to the number of the votes proportioned to the amount by him insured according to the following rates that is to say: For any sum under one thousand dollars, one vote; from one thousand dollars to three thousand dollars, two votes.

QUORUM AT MEETINGS.

Quorum at
general and
board
meetings

38. Fifteen members actually present shall form a quorum at all meetings of the company and five directors shall be a quorum at all board meetings.

OFFICERS AND RECORDS.

Treasurer to
give security

39. The treasurer, secretary or other officer having charge of the funds of the company shall give security to the satisfaction of the board of directors in an amount to be fixed by a general meeting or by the directors but not to be less than \$2,000 for the faithful discharge of his duties.

Full records of
all the business
done to be kept

40. Every mutual company shall keep full and distinct records of all of its business and transactions including registers of all policies issued and premium notes and cash payments received in respect thereof; books of account showing all cash transactions; minute books and letter books and such other records as are usual and necessary to give a full and clear idea of the operations of the company; and these records shall be at all times accessible to any director or auditor of the company or to any one having authority from a general meeting on their behalf to examine and report upon the same.

Auditors of
the company
to be
appointed

41. At the annual general meeting or at a special meeting of which due notice has been given one or more auditors of the

company may be appointed who shall make periodical or special examination of the books of the company and report to the directors thereon and who shall receive such remuneration as may be fixed by that or any other meeting of the directors of the company.

RETURNS.

42. Within one month after the annual general meeting in each year the secretary of the company shall file with the registrar a return verified by the affidavit of the president and the secretary setting forth : Annual return
to the
registrar

First, the assets of the company specifying—

- (a) The value of real estate ;
- (b) The amount of cash on hand and deposited in banks to the credit of the company naming the banks and the amount in each ;
- (c) The amount of cash in company's office and in agents' hands respectively ;
- (d) The amount of any loans or investments and the nature of the security held therefor in detail and what, if any, payments are in arrear thereon ;
- (e) The amount of assessments on premium notes or undertakings on hand ;
- (f) The amount still payable upon premium notes or undertakings on hand ;
- (g) Other amounts due to the company ;

Secondly, the liabilities of the company specifying—

- (a) The amount of losses due and yet unpaid ;
- (b) The amount of claims for losses resisted ;
- (c) The amount of losses incurred during the year including those claimed but not adjusted ;
- (d) The amount payable for money borrowed and security given and interest payable ;
- (e) The amount of all other existing claims against the company ;
- (f) The amount covered by policies in force in respect of each class of risk ;

Thirdly, the income of the company during the preceding year specifying—

- (a) The amount of cash received on premium notes ;
- (b) The amount of premium notes or undertakings ;
- (c) The amount of interest received ;
- (d) The amount of income from all other sources ;

Fourthly, the expenditure during the year specifying—

- (a) The amount of losses paid during the year stating how much of the same accrued prior and how much

subsequent to the date of the last preceding statement and the amount at which such prior accrued losses were estimated in such preceding statement;

- (b) The amount of expenses paid during the year;
- (c) The amount of taxes;
- (d) The amount paid for reinsurance;
- (e) The amount of all other payments and expenditures under their appropriate heads.

Fifthly, a full copy of all the bylaws adopted by the directors or by a general meeting during the preceding year;

Sixthly, the names of the president, vice president, secretary treasurer, directors and auditors of the company appointed for the current year.

Special
returns

43. Any company shall further when required make prompt and explicit answer in reply to any inquiries in relation to its transactions which may be required by the Lieutenant Governor in Council; and any company which fails to make and deposit such statement as in the next preceding section required so verified or to reply to such inquiry and its manager and secretary shall be subject respectively on summary conviction for each offence to a fine or penalty of fifty dollars to be recovered on behalf of His Majesty for the use of the North-West Territories.

INSURABLE PROPERTY.

Subjects that
may be insured

44. A mutual company may insure the owners of dwelling houses, household furniture, machinery, live stock, farm produce, farm buildings and implements, churches, schools, creameries, cheese factories, warehouses, stores and merchandise, and other buildings and commodities situated in the Territories against loss through damage of such subjects by fire or lightning whether the same happens by accident or any other means except that of design on the part of the insured or by the invasion of an enemy or by insurrection.

Contracts of
insurance not
to exceed
three years

45. Contracts of insurance by mutual companies shall not exceed the term of three years and unless a mutual company has a reserve fund of at least two thousand dollars and premium notes and undertakings to the amount of at least five thousand dollars no single risks shall be undertaken and held by the company alone for an amount larger than two thousand dollars. The maximum amount of any single risk that can be undertaken and held by a mutual company alone is three thousand dollars.

Limit as to
amount of
risk

Validity of
mutual
insurance
contracts

46. All contracts of mutual insurance sealed with the seal of the company signed by the president or vice president and countersigned by the secretary shall be binding on the company.

47. Any contract may be renewed at the discretion of the board of directors by renewal receipts instead of a new policy on the insured furnishing the required cash and premium note but such renewal must be effected before the actual lapse of the period of the principal contract.

Contract may be renewed by renewal receipt

48. The minimum rate to be charged or taken by any company for insuring first class isolated nonhazardous property shall not be less than thirty-three and one third cents per one hundred dollars per annum; and the minimum rate of insurance upon other property shall be increased relatively with the increased risk according to the nature of such property.

Minimum rate to be charged

49. The directors of a mutual company may make arrangements with any mutual or stock company carrying on business in the Dominion of Canada for reinsurance of risks undertaken by the company on such terms and conditions as to premiums and rates of losses as may be arranged.

Reinsurance

50. If the policy be cancelled or avoided by the company the liability of the insured on his premium note or undertaking shall cease from the date of such cancellation or avoidance on account of any loss that may occur to the company thereafter but the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the company to the time of cancelling or avoiding the policy and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period shall be entitled to a return of his premium note or undertaking and such proportion of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period and a condition to this effect shall be endorsed on the policy.

Effect of cancellation of policy

51. If the company become entitled to avoid a policy for alienation or partial alienation of the insured property or of any interest therein upon the return of the policy to the company to be cancelled unless the directors elect to continue the same the assured shall be entitled to receive his premium note or notes upon payment of his proportion of all losses and expenses which had accrued prior to such surrender; but the assignee may have the policy transferred to him and upon application of the directors such assignee on giving proper security to their satisfaction for such proportion of the premium note or undertaking as remains unpaid and with their consent within thirty days next after such alienation may have the policy ratified and confirmed to him; and by such ratification and confirmation the said assignee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject:

Assignment of property insured

Provided however that in case where the assignee is a mortgagee the directors may permit the policy to remain in force and to be transferred to him by way of additional

security without requiring any premium note or undertaking from such assignee or without his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note or undertaking and liability of the mortgagor in respect thereof shall continue and be in no wise affected.

Company may
accept pre-
mium note

52. The company may accept premium notes or the undertaking of the insured for insurances and may issue policies thereon said notes or undertakings to be assessed for the losses and expenses of the company in manner hereinafter provided.

PREMIUM NOTES AND ASSESSMENTS.

Part payment
in premium
notes

53. The directors may demand a part of the amount of premium note or undertaking at the time that application for insurance is made; and such first payment may be in cash or by promissory note and may be credited upon said premium note or undertaking or against future assessments.

Part payment
in cash

54. The directors may collect a portion of the premium in cash and take a premium note for the remainder thereof; and in case the amount so collected is more than sufficient to pay all losses and expenses during the continuance of the policy then any such surplus shall become part of the reserve fund.

Assessments
on premium
notes

55. The directors may make assessments upon premium notes before losses have happened or expenses have been incurred and any surplus from such assessment shall become part of the reserve fund.

Manner of
assessment

56. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors at such intervals from their respective dates and for such sums as they may think necessary to meet the losses and other expenditures of said company during the currency of the policies for which said notes or undertakings were given and in respect for which they are liable for assessment; and every member of the company or person who has given a premium note or undertaking shall pay the sums from time to time payable by him to the company during the continuance of the policy in accordance with such assessment; and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member or person who has given the premium note or undertaking directed to his post office address as given in his original application or in writing to the secretary of the company.

Voidance of
policy on
default in
payment of
assessments

57. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall have become due the policy of insurance for which said assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such nonpayment:

Provided always that the said policy shall be renewed when such assessment shall have been paid unless the secretary give notice to the contrary to the assessed party in the manner hereinafter provided; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid unless the board of directors in their discretion shall decide otherwise.

58. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. Notice of assessment

59. The assessment upon premium notes or undertakings shall always be in proportion to the amount of said notes or undertakings having regard to the branch or department to which their policies respectively appertain. Assessments to be pro rata

60. If any member or other person who has given a premium note or undertaking shall for thirty days after notice of assessment shall have been mailed to him in manner aforesaid neglect or refuse to pay such assessment the company may sue for and recover the same with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. Right of suit on default in payment

61. Whenever any assessment is made on any premium note or undertaking given to the company for any risk taken by the company or as a consideration for any policy of insurance issued or to be issued by the company and an action is brought to recover such assessment the certificate of the secretary of the company specifying such assessment and the amount due to the company on such note or undertaking by means thereof shall be taken and received as *prima facie* evidence thereof in any court in the North-West Territories. Evidence in suit

62. If there is a loss on property insured by the company the directors may retain the amount of the premium note given for insurance thereon until the time has expired for which insurance has been made and at the expiration of the said time the assured shall have the right to demand and receive such part of the retained sum as has been assessed for or become due under fixed payments. Contents of note to be retained in event of loss to implement contract

63. Forty days after the expiration of the term of insurance the premium note given for the insurance policy shall on application therefor be given up to the grantor thereof provided all assessments levied and all losses and expenses with which the note is chargeable have been paid. Note to be given up after term of contract

RESERVE OR GUARANTEE FUND.

Reserve fund

64. The company may form a reserve fund to consist of all moneys which shall remain on hand at the end of each year after payment of the ordinary expenses and losses of the company; and for that purpose the board of directors may levy an annual assessment not exceeding twenty-five per centum on the premium notes or undertakings held by said company and such annual assessment may be made in advance; and such reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year:

Provided that such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or the provinces of the Dominion or the North-West Territories, or in municipal or school debentures or real estate mortgages or other securities or may remain in a chartered bank on deposit at interest.

Reserve fund to be the property of company

65. The reserve fund shall be the property of the company as a whole and no member shall have any right to claim any share or interest therein in respect of any payment contributed by him towards it but in the event of the company being wound up possessed of an existing reserve fund the then members shall be entitled to divide the same among themselves pro rata according to the amount of their premium notes with the company.

CASH PREMIUM INSURANCE.

Short term policies may be issued on cash plan

66. A mutual company may effect policies of insurance on the cash premium plan for periods not exceeding one year and the directors shall prepare a tariff of rates for such policies but no single risk shall be undertaken of a larger amount than two thousand dollars.

Policy holders under cash plan not thereby to be members of company

67. Policy holders under the cash plan shall not as such be members of the company or have any liability for its debts or obligations.

BRANCHES OR DEPARTMENTS.

Separate branches

68. Any company may separate its business into branches or departments with reference to the nature or classification of risks or of the localities in which insurances may be effected.

Business to be kept separate

69. The directors of every company so separating its business shall make a scale of risks and tariff of rates for each branch and direct that the amounts of each shall be kept separate and distinct the one from the other.

Apportionment of expenses

70. All necessary expenses incurred in the conducting and management of any such company shall be assessed upon and divided between the several branches in such proportion as the directors may determine.

MISCELLANEOUS.

71. The provisions of *The Fire Insurance Policy Ordinance* shall apply to all policies issued by a mutual company but it shall be optional with the directors to pay or allow claims which are void under the 3rd, 4th or 8th of the statutory conditions in said Ordinance and to waive the objections therein mentioned.

Fire insurance
policy
Ordinance to
apply to the
mutual policies

72. The company may hold such lands only as are requisite for the accommodation of the company in the transaction of its business or such lands as have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts contracted in the course of its dealings or purchased at sale upon judgments obtained for such debts and may from time to time sell, mortgage and convey or lease any such lands.

Limit on
right to hold
lands

73. In the event of judgment being obtained against a mutual company the issue of execution shall be stayed for sixty days from the date of judgment.

Judgment
against a
mutual
company not
to issue for
sixty days

74. In the event of the corporate powers of the company being forfeited in terms of section 9 of this Ordinance or in the event of the members adopting a resolution at a general meeting of which due notice has been given to wind up the company the company may in general meeting appoint a receiver or receivers to conduct the winding up proceedings and such receiver or receivers shall thereupon have the full power and authority of directors in the matter.

Winding up

75. It shall be lawful for the receiver to use the reserve or guarantee funds if necessary to effect an equitable reinsurance of all risks held by the company whether held under the premium note plan or a short term policy on the cash plan.

Receiver to
effect
reinsurance
if funds are
available

76. After winding up the affairs of the company the receiver shall file with the registrar a full statement of his transactions and intromissions with copy of minutes of a general meeting approving of his report and management.

Receiver to
file statement

1903

(Second session)

CHAPTER 22

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Municipalities."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 95
amended

1. Section 95 of *The Municipal Ordinance* as amended is hereby further amended—

1. By inserting in the first proviso of paragraph 75 thereof after the word "passed" where it first occurs in said proviso the words "by the council of any rural municipality" and

2. By adding thereto the following paragraph:

"77. For defining localities or districts within the municipality within the limits of which no livery, boarding or feed stable shall thereafter be established."

New section 18
c. 23 of 1901

2. Section 18 of *The Municipal Amendment Ordinance* 1901 is hereby repealed and the following substituted therefor:

First election

"18. The Lieutenant Governor may in his proclamation hereinbefore mentioned appoint a returning officer to hold the first election of mayor and councillors for the town municipality.

"(2) The persons eligible for election as mayor and councillors shall be all male British subjects of the full age of twenty-one years, able to read and write, resident within or within two miles of the limits of the municipality, the owner at the time of the election of freehold real estate within the municipality of the value of at least \$500, or leasehold real estate within the municipality of the value of at least \$1,500 over and above all charges, liens and encumbrances affecting the same.

"(3) The persons qualified to nominate candidates for the office of mayor or councillors shall be the persons qualified to vote for such candidates.

"(4) The term of office of the mayor elected at the first election shall if such election be prior to the first day of July be till the end of the then calendar year and if such election be not prior to the first day of July till the end of the then next ensuing calendar year.

“(5) The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July and the remaining three candidates elected shall be declared elected for the term ending with the then calendar year or the then next following calendar year according as such election is held prior or not prior to the first day of July.

“(6) In the event of an election being held after the first election but before the preparation and revision of an assessment roll the provisions of this Ordinance as to the first election including the qualification of voters and candidates shall apply.”

3. All elections of mayor and councillors since the first day of January 1903 in towns incorporated under the provisions of the said *The Municipal Amendment Ordinance 1901* are hereby confirmed and declared to be and to have been at their date legal and valid and the terms of office of such mayor and councillors are declared to be those fixed by this Ordinance for first elections. Elections under c. 23 of 1901 confirmed

4. Any municipality which has a municipal system of waterworks shall have power and authority to supply with water any person or corporation outside the municipality and may exercise all power necessary to the carrying out of any agreement for any term not exceeding five years with such person or corporation for the supply of water. Supplying water outside of municipality

Subject however to the provision that where such water is to be supplied in another municipality no pipes shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality and subject to the further provision that the right to supply water to such person or corporation shall cease upon any municipality theretofore or thereafter incorporated comprising the area within which such water is supplied undertaking to supply water to such person or corporation.

5. All bylaws heretofore passed and all agreements heretofore made which would have been valid if passed after the coming into force of this Ordinance under the provisions of the next preceding section are hereby ratified and confirmed. Bylaws for such purpose confirmed.

INCORPORATION OF TOWNS IN RURAL MUNICIPALITIES.

6. The Lieutenant Governor in Council in case it is made to appear that any area not exceeding 1,280 acres included within the limits of a rural municipality contains a population of more than four hundred persons may order a vote of the Conditions for incorporation of towns in rural municipality

ratepayers to be taken on the question of the constitution of the said area as a town municipality and may by the said order name a returning officer to take the said vote.

Notice to be published

7. Notice of the said order shall be given by the returning officer by publication in the same manner as is required to be given by section 14 of *The Municipal Amendment Ordinance 1901* in the case of the proposed erection of a village into a town municipality.

Contents of notice

8. The said notice shall state—

- (a) The area of the proposed town ;
- (b) The name approved by the Lieutenant Governor in Council ;
- (c) The date and place for taking the said vote.

Secretary treasurer to furnish returning officer with copy of assessment roll

9. The secretary treasurer of the rural municipality shall forthwith on demand by the returning officer furnish him with a certified copy of that portion of the last revised assessment roll of the said municipality containing the names of the men, married women and widows over twenty-one years of age who are assessed upon the last revised assessment roll of the rural municipality for income or personal property within the area of the proposed town for \$200 or upwards or who are named upon the said assessment roll as either owners or occupants of real property situate within the area of the proposed town held in their own right or in the case of married men held by their wives for \$200 or upwards.

Question to be submitted

10. The question to be submitted at the said vote shall be "For the incorporation" or "Against the incorporation" and such question shall be determined by open voting.

Qualification of voters

11. The persons qualified to vote upon such question shall be the persons whose names appear upon the certified copy of the assessment roll mentioned in section 9.

Returning officer to certify result

12. Upon the close of the poll the returning officer shall certify the result of the poll to the Lieutenant Governor in Council and shall forward with his certificate the certified copy of the assessment roll.

If approved by two-thirds votes town may be incorporated

13. If two-thirds of the votes are in favour of the incorporation of the town the Lieutenant Governor in Council may by proclamation incorporate the town comprising the said area or such less area as he may think fit.

Municipal Ordinance to apply

14. From and after the incorporation of the said town all of the provisions of *The Municipal Ordinance* applying to town municipalities shall apply thereto.

First election

15. The Lieutenant Governor may in his proclamation hereinbefore mentioned appoint a returning officer to hold the first election of mayor and councillors for the said town.

16. The persons eligible for election as mayor and councillors at such first election shall be any male British subject of the full age of twenty-one years, able to read and write, resident within or within two miles of the limits of the town, the owner at the time of the election of freehold real estate rated in their own names on the last revised assessment roll mentioned in section 9 hereof of the value of at least \$500 or of leasehold real estate rated as aforesaid of the value of at least \$1,500 over and above all charges, liens and encumbrances affecting the same. Qualification of mayor, etc.

17. The persons qualified to nominate candidates for the office of mayor or councillors shall be the persons qualified to vote for such candidates. Who may nominate

18. The term of office of the mayor elected at the first election shall if such election be prior to the first day of July be until the end of the then calendar year and if such election be not prior to the first day of July then until the end of the then next ensuing calendar year. Term of office of mayor

19. The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July and the remaining three candidates elected shall be declared elected for the term ending with the then calendar year or the then next following calendar year according as such election is held prior or not prior to the first day of July. Term of office of councillors

20. The persons qualified to vote at the first election of mayor and councillors shall be the persons mentioned in section 11 hereof. Qualification of voters

21. The returning officer shall be the secretary treasurer of the said town and shall hold office until his successor is appointed by the council. Returning officer to be secretary treasurer

22. All arrears of taxes upon persons or property within the said town shall be payable to the town municipality and may be collected in the same manner as if they had been taxes imposed by the said town. Arrears of taxes

23. The Lieutenant Governor in Council may make such order as may seem fit for the adjustment of the assets and liabilities between the said town and the rural municipality. Adjustment of assets and liabilities

1903

(Second session)

CHAPTER 23

An Ordinance to amend Chapter 25 of the Ordinances of 1901, intituled "An Ordinance respecting Villages."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

New section 4 1. Section 4 of *The Village Ordinance* is hereby repealed and the following substituted therefor :

Establishment
of village. "4. After the expiration of the said thirty days the Lieutenant Governor in Council may by order establish a village comprising the said area or some portion thereof containing not less than fifteen dwelling houses, fix a day for the election of an overseer and appoint a suitable person to act as returning officer at such election.

"(2) The Lieutenant Governor in Council shall by the said order give a name to the village which may be the name of the post office therein, if any, or such other name as he may consider suitable and shall define the boundaries of the said village and may by any subsequent order change the name or alter the boundaries so given."

Subsection (3)
section 33
amended 2. Subsection (3) of section 33 of the said Ordinance as enacted by section 3 of Chapter 20 of the Ordinances of 1903 (First session) is hereby further amended by adding thereto the following proviso :

"Provided that the ratepayers at the annual meeting next following the payment of any such sum of \$25 may by resolution authorise the overseer to return to the person paying such sum if he is still a resident of the village all or such portion of such sum as may be declared by such resolution."

Section 62
repealed. 3. Section 62 of the said Ordinance is hereby repealed.

Overseer to be
sanitary
inspector 4. The overseer of every village shall for the purposes of *The Public Health Ordinance* be a sanitary inspector and shall have all the powers and duties of a sanitary inspector under the said last mentioned Ordinance within the village.

1903

(Second session)

CHAPTER 24

An Ordinance respecting Local Improvement Districts.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

SHORT TITLE.

1. This Ordinance may be cited as "*The Local Improvement Ordinance*" and shall commence and take effect on and from the first day of January, 1904. 1901, c. 27, s. 1.

Short title
Commence-
ment

INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation
1. "Commissioner" means Commissioner of Public Works ;
 2. "Department" means the Department of Public Works for the Territories ;
 3. "Local improvement branch" means the local improvement branch of the department ;
 4. "Clerk of the local improvement branch" means the clerk in charge of that branch of the department ;
 5. "District" means a district constituted under the provisions of this Ordinance ;
 6. "Division" means a division of a district ;
 7. "Large district" means any large local improvement district constituted under the provisions of this Ordinance ;
 8. "Outlying area" means any portion of the Territories no part of which is within a municipality, village or district ;
 9. "Council" means a council of a district ;
 10. "Councillor" means a member of any district council and includes the chairman of the council ;
 11. "Secretary" means the secretary of a council and includes any person for the time being appointed by such council to perform the duties of secretary, treasurer or secretary-treasurer ;
 12. "Elector" means a person qualified to vote at any election under this Ordinance ;

13. "Owner" includes any person who has any right, title or estate whatsoever or any interest other than that of a mere occupant in any land ;

14. "Occupant" includes the inhabitant occupier of any land or if there be no inhabitant occupier the person entitled to the possession thereof and the leaseholder or holder under agreement for lease and holder under agreement for sale and any person having or enjoying in any way or for any purpose whatsoever the use of land ;

15. "Ratepayer" means any owner or occupant over eighteen years of age of land in any district ;

16. "Resident" means any owner or occupant of land over eighteen years of age residing in any area proposed to be organised or established as a district. C.O., c. 73, s. 2.

17. "Taxable person" means any person who may be taxed in respect of ownership or occupancy of any land ;

18. "Land," "lands" or "real property" includes lands, tenements and hereditaments and any estate or interest therein ;

19. "Public notice" or "published" means a notice published in some newspaper issued in or near the area within which notice is to be given or by written or printed placards containing the notice affixed to public places within the area : In cases where notice is required to be given of any document or its contents it shall be sufficient if the notice sets forth the object, purport or general effect of the document ;

20. "Prescribed" means prescribed under or by this Ordinance or by any regulation or resolution made under its authority ;

21. "Gazetted" means published in the official gazette ;

22. "Person" includes corporations, joint stock companies and partnerships ;

23. "Year" means the calendar year. 1901, c. 27, s. 2.

CONSTITUTION OF DISTRICTS.

Constitution of districts

3. The Lieutenant Governor in Council may by order—

1. Constitute a district which shall comprise an area of not less than 108 nor more than 216 square miles ;

2. Describe the boundaries thereof and assign a name and number thereto in accordance with the provisions of this Ordinance ;

3. Determine of how many members the council thereof shall consist ;

4. Sever any portion of a district from such district and constitute the same a separate district or annex the same to any other district with which the same forms one continuous area and from time to time make any apportionment of property rights and liabilities and give any directions as to any matters and things that may be necessary ;

5. Annex to any district an outlying area forming one continuous area with such district ;

6. Subdivide or resubdivide any district ;

7. Alter the boundaries of or abolish the divisions of any district ;

8. Alter and adjust the boundaries of coterminous districts and determine any questions arising out of such alterations or adjustment ;

9. Constitute any area within a district a village under the provisions of *The Village Ordinance* ;

10. Settle and adjust any rights, liabilities or matters which in consequence of the exercise of any of the foregoing powers require to be adjusted.

4. No order shall be made constituting any new district until the Lieutenant Governor is satisfied that the area comprised in such district contains a resident population in the proportion of one resident to each three square miles of area and if there is comprised in any such district an area greater than two townships which prior to the coming into force of this Ordinance has been comprised within a large local improvement district or districts before the Lieutenant Governor in Council constitutes such district he shall require a petition as hereinafter provided. Conditions for constitution of district

5. Every petition for the constitution of a district shall be in the form prescribed by the commissioner and signed by at least twenty-five residents each of whom is the owner or occupant of ratable land therein. Requisites of petition

6. Every signature to any petition shall be verified by the solemn declaration of some person signing such petition. Verification of signature

7. Every petition shall be accompanied by the solemn declaration of a resident of the district showing approximately the number of residents in such district. Declaration to accompany petition

8. If within one month after the receipt of the petition no sufficient cause shall be shown against the exercise of any such power as aforesaid the Lieutenant Governor in Council may exercise such power. Order to be made, if no objection.

9. Any error made in any Order under this part of this Ordinance may be rectified by the Lieutenant Governor in Council by any subsequent Order. Rectification of error in order

10. No Order purporting to be made under this Ordinance shall be deemed invalid on account of any failure of any of the conditions or any noncompliance with any of the matters required by this Ordinance as preliminary to such Order and no misnomer, inaccurate description or omission in any such Order shall in anywise suspend or impair the operation of this Ordinance with respect to the matter or thing so misnamed, misdescribed or omitted. Order not invalid for irregularity

DISTRICT COUNCILS.

Council for district

11. Every district shall be governed by a council composed of not more than six and not less than three members, one of whom shall be elected from each of the divisions of the district which may be made by the Lieutenant Governor in Council.

QUALIFICATION OF MEMBER OF COUNCIL.

Qualification of member

12. Every person of the age of twenty-one years who resides within the division and is the owner or occupant of ratable land therein and is not under any of the disabilities hereinafter specified shall be qualified to be elected and to act as a member of the council of the district.

COUNCILS.

Disqualification

13. No person who—

1. Is concerned or participates in the profit of any contract with the council ; or

2. Has been convicted of any criminal offence subject to imprisonment for three years or more ; or

3. Is undergoing a sentence of imprisonment ;
shall be capable of being or continuing a member of council :

Provided that nothing herein shall disqualify any person from being or continuing a councillor solely because he is concerned or participates in a transaction with the council in respect of—

1. A lease, sale or purchase of lands ; or

2. An agreement for such lease, sale or purchase ; or

3. An agreement for the loan of money or any security for the payment of money ; or

4. A contract entered into by an incorporated company for the general benefit of such company ; or

5. A contract for the publication of any advertisement or advertisements in a public newspaper.

How office vacated

14. The office of a member or chairman shall be vacated—

1. If he is, or has become, disqualified or has ceased to be qualified, under the provisions of this Ordinance ; or

2. If he has been absent from three or more consecutive meetings of the council ; or

3. If he is ousted from his office by order of a judge of the Supreme Court.

RETIREMENTS OR VACANCIES.

Resignation of member

15. Any member or chairman may resign his office by writing under his hand addressed to the secretary of the

council and such resignation shall be complete from the time when it is received by the secretary.

OUSTER OF OFFICE.

16. At any time within one month of the election of any person as chairman or member of a council upon affidavit showing that any such person has been elected unduly or contrary to this Ordinance or that any such person has been elected to or holds or exercises any such office being incapable under the provisions hereof of holding or continuing to hold the same and upon payment into Court of the sum of \$25 as security for costs to abide the event of the application it shall be lawful for a judge of the Supreme Court to grant a summons calling upon such person to show cause why he should not be ousted of the office: Removal by order of judge

And where upon the return of the summons it shall appear to the judge upon affidavit or oral evidence that such person was elected unduly or contrary to this Ordinance or was at the time of his election or while holding or exercising such office incapable under the provisions hereof to hold the same the judge may adjudge such person to be ousted of the same and such person shall be ousted of the same accordingly, or the judge may discharge the summons, and in either case with or without costs.

17. No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or of any disqualification of any such person. Disqualification of member not to invalidate proceedings

ELECTORS AND ELECTIONS.

18. At any election all persons who are owners or occupants of ratable land in the division shall be entitled to vote. Qualification of elector

ELECTION OF COUNCIL.

19. The first council in every district shall be elected at a time to be appointed by the commissioner who shall appoint the necessary returning officers. First election

(2) The commissioner shall cause the prescribed notice to be given of the time and places at which the election so appointed is to be held. Notice of election

20. At the time and place mentioned in the notice referred to in the next preceding section the returning officer shall proceed to the election and shall open a poll which shall remain open for two hours.

21. Every elector of the division may vote for as many persons as are required to be elected but prior to the voting shall sign a declaration before the returning officer in form A in the schedule to this Ordinance and record his vote as provided in such form. Declaration to be signed

Penalty
for false
declaration

22. Any person signing such declaration and casting his vote as an elector at such election who is not entitled to vote shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs.

Vote of
returning
officer

23. The returning officer if he is an elector of the division may vote at the election and in case of a tie shall whether an elector or not give the casting vote.

Election to fill
vacancy

24. On the occurrence of any vacancy in a district council an election to fill such vacancy shall be held forthwith and such election shall be held in the same manner as is provided in this Ordinance for the elections.

Appointment
of returning
officer

25. At every election after the first election the person appointed by the district council or if there is no council or no person appointed by the council then such person as is appointed by the commissioner shall be returning officer.

Returning
officer not
eligible

26. No person who acts as returning officer at an election shall be a candidate at such election.

(2) In the event of any person who has been appointed returning officer being absent, refusing to act or desiring to be a candidate the electors present may elect another person to act as returning officer by show of hands.

DECLARATIONS ON ELECTION.

Declaration
of office

27. Every person elected to the office of councillor shall accept such office by making and subscribing the declaration in form B in the schedule hereto within ten days after notice of his election has been served on him personally or left at his usual place of abode and in default thereof shall be liable to a fine of \$25 upon summary conviction before a justice of the peace.

NON-ACCEPTANCE OF OFFICE.

Vacancy on
non-accept-
ance

28. If any person elected as chairman or councillor refuses or fails to accept such office as aforesaid the same shall thereupon be deemed vacant and shall be filled up by a fresh election as in the case of a vacancy.

PROCEEDINGS AND POWERS OF COUNCILS.

Date of first
meeting

29. The council of every newly constituted district shall hold its first meeting within the second week after being elected.

Chairman to
be elected

30. At the first meeting of the council or at some adjournment thereof the members present shall elect one of the members to be chairman of the council. If the chairman resigns his office as chairman or member or his office becomes vacated the council shall elect a member to be chairman in his stead.

31. Every council shall meet at such times as are appointed ^{Meetings} by resolution and shall meet at least twice in every year and every meeting shall be open to the public.

32. The chairman shall preside at every meeting at which ^{Chairman} he is present and in the absence of the chairman from any ^{to preside} meeting another member shall be elected chairman at and for such meeting.

33. The council shall cause a record to be kept of all the ^{Record of} proceedings of the council, with the names of the councillors ^{proceedings} who attend at each meeting, and of the names of all councillors voting upon any question, in books to be provided for the purpose which shall be kept by the secretary under the superintendence of the council and every such record shall be signed by the chairman at the next succeeding meeting after being approved by the council.

34. No business shall be transacted at any meeting of the ^{Majority of} council unless a majority of the whole number of the members ^{council to be} for the time being are present.

35. All questions shall be decided by a majority and by ^{Majority to} open voting. ^{decide}

36. Upon every question the chairman shall have a vote ^{Vote of} and if the members are equally divided the question shall be ^{chairman} decided in the negative:

Provided that if at any election of a chairman of a council or of any meeting there be an equality of votes it shall be decided by lot which of the councillors having an equal number of votes shall be chairman.

37. The members present at any meeting may from time to ^{Power to} time adjourn the meeting. ^{adjourn}

38. The council of every district may appoint some person ^{Enforcement} to enforce the provisions of *The Noxious Weeds Ordinance* ^{of noxious} within the district who for such purpose shall have all the ^{weeds} powers of an inspector under the said Ordinance. ^{Ordinance}

SPECIAL MEETINGS OF COUNCILS.

39. The council may at any time hold a special meeting ^{Special} called in pursuance either of a resolution of the council or of a ^{meetings} requisition delivered to the secretary and signed by the chairman or any two councillors specifying the time and place at which such meeting is to be held and the business to be brought before the same.

40. Notice in writing of the time and place of such meeting ^{Notice of} and of such business shall be given by the secretary to every ^{special} member of the council except the members requisitioning for the ^{meetings} same three clear days before the day appointed for such meeting.

JOINT ACTION BY SEVERAL COUNCILS.

Joint action
by council

41. Councils may unite with other councils in the execution and maintenance of any works or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective districts and may agree as to the joint control or management of any thing that concerns in any way such respective districts or as to the control or management by one or more of such councils of any such thing.

COMMITTEES.

Committees
of council

42. The council may from time to time appoint standing or special committees consisting of one or more members of the council and may relegate to such committees any matters for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties by the Ordinance conferred and imposed upon the council except the powers to borrow money, make a bylaw, or execute a contract.

(2) Every committee to whom any powers are delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.

(3) Every such committee shall be subject in all things to the council and shall carry out all directions general or special of the council given in relation to such committee or its affairs.

Discharge of
committee

43. The council may from time to time discharge, alter, continue or reconstitute any committee appointed by it.

Proceedings
not invalid
for vacancy
in council

44. No proceeding of the council or of any committee shall be invalidated or be illegal by reason only of there being any vacancy in the number of councillors at the time of such proceedings.

RULES OF PROCEDURE.

Resolutions
regulating
procedure

45. The council of every municipality may subject to the provisions of this Ordinance make or pass resolutions—

1. Regulating the proceedings of the council and of committees and the conduct of meetings thereof;
2. Regulating the adjournment of meetings;
3. Directing notices of meetings to be given and prescribing the form, mode, and time of service thereof;
4. Regulating debates;
5. Prescribing the manner and conditions of revoking or altering resolutions;
6. Providing for the custody of documents and records;
7. Prescribing the duties of officers and servants;
8. Prescribing the form and manner of keeping minutes;
9. Concerning anything incidental to any matter in this section referred to.

46. Every council may pass a resolution for paying the members thereof a sum not exceeding \$2 for every day and ten cents for every mile respectively necessarily occupied or travelled in going to, remaining at and returning from not more than six meetings of the council in any year. Payment of councillors

OFFICERS.

47. The council may by resolution from time to time appoint and may remove or reappoint fit persons to be secretary-treasurer and all such other officers and servants as it thinks necessary and may pay such persons such salaries and allowances as it thinks fit. Appointment of officers

48. No councillor shall be capable of holding any such office except that of secretary-treasurer unless without remuneration. Councillors not to be paid officers

ASSESSMENT OF THE DISTRICT.

49. The council may cause to be levied in each year for the general purposes of the district a tax not less than one and one quarter cents and not more than five cents per acre upon every owner or occupant in the district for all land owned or occupied by him: Provided that any person whose assessment would be less than fifty cents shall be assessed fifty cents. 1901, c. 27, s. 27. Assessment of the district

50. The rate per acre of the said tax shall be fixed by a resolution of the council. Rate to be fixed by resolution

51. The council shall make or cause to be made an assessment roll in which shall be set out the following information: Assessment roll

- (a) Each lot or parcel of land owned or occupied within the district and the number of acres it contains;
- (b) The name and address of the person assessed on account of each such lot or parcel of land;
- (c) The amount of such assessment.

(2) The assessment roll shall be kept at the office or residence of the secretary and may be inspected at any reasonable time by any ratepayer. 1901, c. 27, ss. 28, 31 (1).

52. If the name of the owner of any lot or parcel of land in the district is not known and cannot after reasonable inquiry be ascertained the same shall be deemed to be duly assessed if entered on the roll with a note that the owner is unknown. 1901, c. 27, s. 29. Owner not known

53. If any land for which someone should have been assessed has been omitted from the assessment roll or any error made in the particulars contained therein the council shall on the discovery of the omission or error if within two months from the posting of the roll as herein provided cause Correction of errors in roll

the necessary additions and alterations to the roll to be made to assess the owner or occupant of the land so omitted or correct the other error. 1901, c. 27, s. 30.

Notice of
assessment

54. Upon the completion of the assessment roll the secretary shall mail to each ratepayer whose name and address appear on the assessment roll a notice of his assessment; and the entry of the date of the mailing of such notice together with the initials of the secretary on the assessment roll shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the secretary. 1901, c. 27, s. 31.

Appeal from
assessment

55. Any person who feels himself aggrieved by the tax assessed may within fifteen days after the mailing of such notice appeal from such assessment by delivering notice of such appeal in writing to the justice of the peace nearest the residence of the secretary; and such justice shall thereupon notify the secretary and appellant of the time and place when such appeal will be heard; and the finding of the justice upon such appeal shall be final. 1901, c. 27, s. 32.

Distress
for taxes

56. In case any person neglects to pay his taxes for two months after the mailing of the notice to him as herein provided the secretary may by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession wherever the same may be found in the district or of any goods or chattels found on the land the property of or in possession of any other occupant thereof and may impound the same on the premises where distrained; and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of sale thereof. 1901, c. 28, s. 33.

Taxes a lien

57. The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon. 1901, c. 27, s. 34.

Suit for taxes

58. Any taxes or arrears of taxes due to a district may be recovered by suit in the name of the district as a debt due to the district; in which case the assessment roll shall be *prima facie* evidence of the debt. 1901, c. 27, s. 35.

Taxes paid
to be entered
on roll

59. The secretary shall enter all amounts paid him for taxes on the original assessment roll opposite the lot or parcel of land for which such payment is made; and shall issue an official receipt for all such payments in form to be prescribed by the commissioner. 1901, c. 27, s. 36.

Contract by
council

60. The council may enter into any contract for any of the purposes of this Ordinance.

61. If such contract is for the execution of any work it shall specify the work to be done and the materials to be furnished, the price to be paid for the same, the time or times within which the work is to be completed and the penalties to be suffered in case of nonperformance thereof.

Conditions
relating to
contracts

62. The council shall have full power and authority to erect, construct and maintain within the district any public works which in the opinion of the council may be necessary whether such works are to be or have been constructed wholly within the district or form part of works constructed or to be constructed in one or more districts.

Construction
of works
partly without
the district

63. The Lieutenant Governor in Council may from time to time place under the temporary or permanent management and control of a council any public works, buildings, erections, machines, implements, wells, reservoirs or other things which have been commenced, constructed, purchased or provided for out of any moneys appropriated by the Legislative Assembly or belonging to any large local improvement district erected under the provisions of any Ordinance of the Territories.

Control of
works already
constructed

64. Nothing in this Ordinance shall be deemed to entitle the council to interfere with any public works carried on or executed by the Government or under the control of the Government without the consent in writing of the Commissioner of Public Works.

Council not
authorised to
interfere with
government
works

65. The council shall cause at least one half of the amount estimated to be expended in the district in each year for general purposes to be apportioned among the divisions thereof in proportion to the amount of ratable property therein respectively as shown in the assesment roll and the amount so apportioned to each division shall be expended in works in such division:

Apportion-
ment of
expenditure
between
divisions

Provided that the council by resolution unanimously adopted at a meeting of the whole council may decide that the amount to be apportioned as aforesaid may be reduced to an amount not less than one quarter of the said district estimate.

ACCOUNTS.

66. The council shall cause books to be kept and regular accounts to be entered therein of all sums of money received and paid otherwise than in respect of loans on account of every district and of the several purposes for which such sums of money have been received and paid and shall cause the accounts of each district to be balanced yearly.

Books of
account to
be kept

67. The council shall also cause to be prepared a statement or summary showing the financial position of the district at the end of December in each year showing the amount received from each source of ordinary income and the various matters and things on which such accounts have been expended.

Statement of
receipts and
expenditure

Borrowing
power

68. The council may in anticipation of the collection and payment of the general taxes payable in any year from time to time borrow moneys on the credit of the district rates to an amount not exceeding one half of the total estimated revenues of the district for the year.

AUDIT OF THE BOOKS OF THE DISTRICT.

Books to be
audited
each year

69. The books of every district shall be audited each and every year by an official auditor appointed under the provisions of any Ordinance or by a competent person to be named for the purpose by the commissioner.

(2) The fee to be paid from the district funds for such audit shall be fixed from time to time by the commissioner. 1901, c. 27, s. 18.

LARGE LOCAL IMPROVEMENT DISTRICTS.

Erection of
large district

70. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette organise and constitute as a large local improvement district any portion of the Territories not already contained in a municipality, district or village; and may designate such large district by a distinctive name and number. 1901, c. 27, s. 52.

Assessment to
be made in
department

71. The assessment of lands made as hereinafter provided in a large district now or hereinafter organised and constituted under the provisions of this or any previous Ordinance shall be made in the local improvement branch; and all notices of such assessment shall be issued from that branch. 1901, c. 27, s. 53.

Rate of
assessment

72. In large districts the rate of assessment shall be one and one-quarter cents per acre:

Provided that in any large district if the commissioner is satisfied that the said rate of assessment would raise a sum greater than would be necessary to effect the improvements required in such district the rate of assessment may be reduced to such less amount per acre as the commissioner may determine.

Provided further that any person whose assessment would be less than fifty cents shall be assessed fifty cents. 1901, c. 27, s. 54.

Assessment
roll

73. As soon as possible after the beginning of each year or after the organisation of a large district an assessment roll shall be prepared for each large district upon which shall be entered as accurately as may be the following information:

- (a) Each lot or parcel of land owned or occupied within the district and the number of acres it contains;
- (b) The name and post office address of the person assessed as owner or occupant of each lot or parcel;
- (c) The amount of assessment;

- (d) The amount of previous assessments which have not been paid. 1901, c. 27, s. 55.

74. If after reasonable inquiry the name or address of the owner or occupant of any lot or parcel of land in a large district cannot be ascertained the same shall be deemed to be duly assessed if entered on the roll as "owner unknown" or "address unknown" as the case may be. 1901, c. 27, s. 56.

Assessment if owner or address is unknown

75. Upon completion of the assessment roll it shall be signed by the clerk of the local improvement branch; and a notice shall then be sent by ordinary mail to each person whose name appears upon the roll stating the land in respect of which such person is assessed, the amount of such assessment and requesting payment of same; and the entry upon the assessment roll of the date of mailing such notice together with the initials of the clerk mailing the same shall be *prima facie* evidence that the notice was duly mailed on that day. 1901, c. 27, s. 57.

Notice of assessment

76. If any property in a large district in respect of which any person should have been assessed has been omitted from the assessment roll or been entered on the roll in the name of the wrong person or with an incorrect acreage the necessary addition or alteration to correct the error may be made at any time in the year in which such assessment is made such addition or alteration being initialed by the clerk of the local improvement branch and a notice of assessment in accordance with such addition or alteration shall forthwith be sent to the owner of the property affected. 1901, c. 27, s. 58.

Correction of errors in roll

77. The taxes accruing upon or in respect of any land in a large district shall be paid in cash and shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon. 1901, c. 27, s. 59.

Taxes a lien and payable in cash

78. In case any ratepayer neglects or refuses to pay his taxes in a large district for two months after the mailing of the notice as provided by section 75 of this Ordinance the commissioner may by his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods and chattels in his possession wherever the same may be found in the large district or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises and may impound the same on the premises where distrained; and no claim of property, lien or privilege shall be available to prevent the same or payment of the taxes and costs out of proceeds of the sale thereof. 1901, c. 27, s. 60.

Distress for taxes

79. The taxes collected in any large district shall be deposited in a chartered bank to the credit of a districts trust account; and shall be expended under the direction of the commissioner in making such improvements as may from time to time be required in the district.

Moneys how expended

(2) The details of the expenditure in any large district shall be published in the public accounts annually submitted to the Legislative Assembly. 1901, c. 27, s. 61.

Accounts, etc.,
to be audited

80. All accounts and contracts for work in large districts shall be in duplicate and shall be audited by the Territorial auditor and properly certified by him before being paid. 1901, c. 27, s. 62.

Disorganisa-
tion or
alteration of
boundaries

81. Should it at any time be deemed expedient to disorganise or alter the boundaries of any large district or to withdraw any area therefrom or to amalgamate any two or more districts which have been organised such disorganisation, alteration, withdrawal or amalgamation may be effected upon recommendation of the commissioner by order of the Lieutenant Governor in Council.

RETURNS TO COMMISSIONER.

Annual return
of assessment,
taxes, work
done, etc.

82. The secretary of every district shall between the first and fifteenth day of December in each and every year make out a statement in writing on forms supplied by the commissioner containing the information required by the clauses of the second subsection of this section: he shall allow any ratepayer to inspect the statement and to make a copy of or extracts therefrom on any day except Sunday or statutory holidays from the said fifteenth day of December until the twenty-fourth of the same month between the hours of ten o'clock in the morning and four o'clock in the afternoon; and he shall then send such statement audited and certified by the auditor and duly verified by his statutory declaration not later than the first mail after the twenty-fifth day of December to the commissioner.

(2) The said statement shall contain the following information:

- (a) The names and post office addresses of all ratepayers together with a description of the lands for which they are assessed and the amount of such assessment;
- (b) The amount of taxes paid by each ratepayer for the current year and the amount of arrears of taxes if any unpaid by such ratepayer;
- (c) The amount of arrears of taxes paid during the year with the names of the parties paying them and the lands and year in respect of which they are paid;
- (d) Details of any revenue other than taxes received by the district;
- (e) Details of the manner in which all moneys belonging to the district have been expended during the year;
- (f) Any additional information which the commissioner may consider necessary regarding the operations or standing of the district. 1901, c. 27, s. 64.

83. The secretary of every district shall within the first fifteen days of January in each year make a return verified by his solemn declaration to the commissioner in such form as may be by the commissioner be from time to time prescribed showing all lands in the district upon which taxes have not been paid together with the years for which such taxes are due. Return of arrears of taxes

(2) A like return shall be made by the clerk in charge of the local improvement branch of the department for each large district.

(3) The return for all purposes shall be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Ordinance have been taken and observed. 1901, c. 27, s. 65.

84. On application by the Attorney General of the Territories or some advocate authorised by him to a judge of the Supreme Court in chambers such judge may appoint a time and place for the holding of a court for confirmation of the return mentioned in the preceding section, notice of which shall be published in every issue of the official gazette for two months and once each week for at least eight weeks in a local paper published in the vicinity of the lands entered on such return to be named by the commissioner. Application to judge for confirmation

(2) A notice of the time and place fixed for confirmation of such return shall be sent by registered mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records of return; and the entry against such lands of the date of mailing such notice together with the initials of the clerk of the local improvement branch of the department shall without proof of the appointment or signature of the said clerk be *prima facie* evidence that the required notice has been mailed. 1901, c. 27, s. 86. Notice to be given

85. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the Territories the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the commissioner of the Adjudication by judge

amounts named including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the commissioner ; but no such redemption fee shall be less than \$2.

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the commissioner.

Copy to
be sent to
registrar

(4) A copy of such adjudication certified by the commissioner shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated ; and such copy shall be notice to the public of the facts contained therein. 1901, c. 27, s. 67.

Costs when
taxes paid
after
application
to judge

86. If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 85 of this Ordinance pays the taxes upon such land before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of \$1 for each quarter section or portion thereof in lieu of the costs of application to the judge and advertising and postage in connection with such proceedings ; and any sums so paid shall form part of the general revenue. 1901, c. 27, s. 68.

Order vesting
title in Crown

87. At any time after the expiration of the year last named on *ex parte* application by the Attorney General or some advocate authorised by him and production of the last named adjudication together with a certificate of the commissioner showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in His Majesty freed from all liens, mortgages and incumbrances of whatever nature and kind the same may be. 1901, c. 27, s. 69.

Payment of
taxes by
commissioner

88. So soon as the return of the secretary of any district has been confirmed the commissioner shall pay to the secretary the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay ; and thereafter while owned by His Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual. 1901, c. 27, s. 70.

EXEMPTIONS.

Exemptions

89. In any district or large district the property exempt from taxation under the provisions of this Ordinance shall be :

1. All land held by or in trust for the use of any tribe of Indians ;

2. The land to the extent of two acres held by or for the use of any public or separate school ;

3. The land to the extent of one acre held by or for the use of any church and occupied by a building used for church purposes ;

4. The land in use as a public cemetery not exceeding twenty-five acres ;

5. The land used as a right of way for any irrigation canal or ditch. 1901, c. 27, s. 72.

90. Every order, notice or other such document requiring authentication by the council may unless otherwise provided be signed by the chairman and secretary. Authentication of orders, etc.

91. The Lieutenant Governor in Council may from time to time make such regulations not inconsistent with this Ordinance as he deems necessary for the following purposes, or any of them, that is to say— Regulations of Lieutenant Governor

1. Prescribing the duties and functions of all officers and other persons appointed or employed under this Ordinance ;

2. Prescribing the form of returns to be made, the particulars to be set forth therein and the persons by whom and the time when or within which such returns shall be made, and other documents referred to in this Ordinance or necessary in order to give effect thereto ;

3. Providing where there is no provision in this Ordinance or no sufficient provision in respect to any matter or thing necessary to give effect to this Ordinance in what manner and form the deficiency shall be supplied ;

4. For any purpose, whether general or to meet particular cases that may be desirable in order to carry out the object and purposes of this Ordinance or to give effect to anything for which regulations are contemplated or required by this Ordinance.

92. The Lieutenant Governor in Council shall settle, adjust and decide any question arising between any councils with regard to any rights, powers or duties conferred by this Ordinance. Settlement of differences by Lieutenant Governor

93. If anything to be done by or under this Ordinance at or within a fixed time cannot be or is not so done the Lieutenant Governor in Council may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired. Extension of time by order of Lieutenant Governor

(2) Anything done within the time prescribed by such Order in Council shall be as valid as if it had been done within the time fixed by or under this Ordinance.

Order by
commissioner
for adjustment
of assets

94. The commissioner may make such orders as he may think fit for the adjustment of the assets of small and large local improvement districts affected by this Ordinance and of any district or large district affected by any action under this Ordinance.

Existing
districts
disorganised

95. All small and large local improvement districts existing at the coming into force of this Ordinance are hereby disorganised, provided however that such districts shall be deemed to continue to exist so far as may be necessary for the enforcement of the payment of taxes due and for any action that may be required to be taken with reference thereto.

Property of
local improve-
ment district
to be handed
over to district

96. After the coming into force of this Ordinance immediately upon completion of the returns which he is required to make by the provisions of the Ordinance hereby repealed the overseer of every local improvement district hereby disorganised shall forthwith deliver to the secretary, if any, of the district, if any, within which is comprised the area of such disorganised local improvement district and if there be no such secretary then to the commissioner or to such person as he may name all documents, books, money and other property of such disorganised local improvement district and such property shall be disposed of as the commissioner may direct.

Repeal

97. Chapter 27 of the Ordinances of 1901 is hereby repealed.

SCHEDULE.

FORM A.

Division No.

District No.

The undersigned severally declare each for himself that he is a ratepayer in the above named division over eighteen years of age and votes in respect of the land set opposite his name hereto and that he votes for the person whose name is set opposite his name hereto.

Name	Land voted upon	Person voted for

A.B.,
Returning Officer.

FORM B.

I hereby declare that I accept
the office of councillor for District No. to which I was
elected on the day of 19
and promise to perform the duties of such office to the best of
my ability.

Witness my hand this day of
19 .

Signed in the presence of

1903

(Second session)

CHAPTER 25

An Ordinance to amend Chapter 74 of the Consolidated Ordinances 1898, intituled "An Ordinance respecting Irrigation Districts."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 23
amended.

1. Section 23 of *The Irrigation District Ordinance* is hereby amended by adding thereto the following subsection :

"(2) The commissioner may at any time authorise the discontinuance of any works theretofore authorised."

1903

(Second session)

CHAPTER 26

An Ordinance to establish and incorporate a University for the North-West Territories.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

SHORT TITLE.

1. This Ordinance may be cited as "*The University Ordinance*." Short title

CORPORATION.

2. A university consisting of a chancellor, vice chancellor, The corporation senate and convocation is hereby established in the North-West Territories as a body politic and corporate by such name as may hereafter be determined by the Legislative Assembly.

3. The said corporation may acquire by purchase or in any other manner and hold for the purposes of the said university Power to hold property any and all property real and personal of every nature and kind whatsoever and subject to the terms of any gift, devise or bequest of any property to the university, shall have power to mortgage, sell, transfer or otherwise dispose of all its property real or personal.

VISITOR.

4. The Lieutenant Governor of the Territories shall be the Visitor visitor of the university with authority to do all those acts which pertain to visitors as to such Lieutenant Governor shall seem meet.

CHANCELLOR.

5. The chancellor of the said university shall be elected by the members of convocation in the manner hereinafter mentioned and shall hold office for three years and until his successor is elected. Election and term of office of chancellor

(2) The chancellor first elected shall hold office until two years from the first Wednesday of October next following his election and until his successor is elected.

(3) The ordinary triennial election of chancellor shall take place on the first Wednesday in October in any year in which an election is required.

Vacancy in
the office of
chancellor,
how filled

(4) In case of vacancy in the office of chancellor by death, resignation or any other cause before the expiration of his term of office then at a special election to be holden for that purpose (of which election notice shall be given in such manner as may be provided by statute of the senate) the members of convocation entitled to vote shall elect a chancellor for the remainder of the term in which such death, resignation or other avoidance may have happened.

VICE CHANCELLOR.

Vice
chancellor

6. The vice chancellor of the university shall be elected by the members of the senate from among themselves and shall hold office for three years and until his successor is appointed.

(2) The ordinary triennial election of vice chancellor shall take place at the first meeting of the senate in any academic year in which such election may be required and the registrar shall at least one month before the meeting notify all the members of the senate that the election is to be held.

Vacancies to
be filled up by
the senate

(3) In case of vacancy in the office of vice chancellor by death, resignation or any other cause before the expiration of his term of office the members of the senate shall, at a meeting to be held by them for that purpose, as soon as conveniently may be, of which notice shall be given in such manner as may be provided by statute of the senate, elect one other of the said members of the senate to be vice chancellor for the remainder of the term.

SENATE.

The Senate

7. The senate of the university shall be composed as follows:

Ex officio
members

1. The Commissioner of Education, the chancellor;

Appointed
members

2. Five members to be appointed by the Lieutenant Governor in Council;

Elected
members

3. Ten members to be elected by convocation from its members.

CONVOCAATION.

First
convocation

8. The first convocation of the university shall consist of all graduates of any university in His Majesty's Dominions having the degree of Bachelor or Master of Arts, Bachelor Licentiate or Doctor of Law or of Civil Law, Bachelor or Doctor of Medicine, Bachelor or Master of Science, or of Bachelor, Licentiate or Doctor of Medicine who are actually residing in the Territories three months prior to the first election of members of the senate of the university and who at least one month prior to the said election register themselves as members of such convocation in the office of the Territorial secretary.

9. After the first convocation, convocation shall be composed of the members of the first convocation as constituted under the next preceding section and all persons who shall become graduates of the university. Convocation

ELECTION OF CHANCELLOR AND MEMBERS OF SENATE.

10. A register shall be kept by the Territorial secretary in which he shall enter the names of graduates who are entitled to be members of the first convocation upon their producing to him satisfactory proof of their qualification under section 8 and upon payment of the fee of \$2 and the entry upon the register of the name of any person shall be conclusive evidence that such person is a member of convocation and is entitled to vote as such. Register for first election

(2) The fees paid to the Territorial secretary under this section shall be transmitted by him to the treasurer of convocation upon his appointment.

11. The date of the first election shall be fixed by the Lieutenant Governor in Council of which not less than three months' notice shall be given in the Territorial gazette and at least three weeks prior to such date the Territorial secretary shall send a list of all the members of the first convocation to each member thereof. Date of first election

12. For the first election of chancellor and members of the senate no nomination shall be necessary and for any subsequent election any three members of convocation may nominate a candidate for the office of chancellor or for the office of member of the senate and the nomination paper or papers shall be sent to the registrar at least one month before the date fixed for the election. Nomination of chancellor and members of senate

13. In the event of only one candidate being nominated for chancellor or only so many candidates being nominated for the senate as are required to be elected such candidate or candidates shall be deemed to have been elected and in such cases no voting papers shall be required to be sent out. Where only requisite number nominated

14. The votes at any election by convocation shall be given for the chancellor and for the members of the senate respectively by voting papers in the form in the schedule to this Ordinance or to the like effect being delivered to the Territorial secretary at the first election and to the registrar of the university at any subsequent election at such time and place as may be prescribed by the Lieutenant Governor in Council or by statute of the senate respectively. Manner of election

15. Any voting papers received by post on or prior to the date of such election shall be deemed to be delivered for the purpose of such election. Voting papers to be counted

Voting papers
to be sent by
registrar

16. For any election after the first election it shall be the duty of the registrar to send to each member of convocation where his residence is known to the registrar a list of the candidates duly nominated arranged in alphabetical order accompanied by one copy of the form of voting paper in the schedule to this Ordinance applicable to the election or elections then next to be held and such list and form shall be sent in such manner and at such time before the date of such election as may be directed by statute of the senate.

Opening
voting papers

17. Said voting papers shall upon the day following the date of election at an hour to be stated by the statute be opened by the registrar of the university in the presence of such members of convocation as may desire to be present and the registrar shall examine and count the votes and keep a record thereof in a proper book to be provided by the senate.

Election of
chancellor

18. The person who has the highest number of votes at an election for chancellor shall be chancellor of the university for the term of office then next ensuing or for the unexpired portion of the then current term as the case may be.

Election of
members
of senate

19. The members of convocation who have the largest number of votes for members of the senate shall be declared elected members thereof their number and term of office being limited as herein provided.

Who may
be elected

20. Any member of convocation may be elected chancellor or member of the senate.

Equality
of votes

21. In case of an equality of votes between two or more persons leaving the election of the chancellor or of one or more members of the senate undecided the election shall be determined by the registrar by lot.

Informal
voting papers

22. In the event of any elector placing more than one name on his voting paper for chancellor or more than the required number on his voting paper for members of the senate the first name only shall be taken for chancellor and the first names only not exceeding the required number shall be taken for the members of the senate.

Notification
of appointed
members

23. Whenever an appointment is made by the Lieutenant Governor to fill vacancies whether on retirement by rotation or from other cause arising the Territorial secretary shall forthwith communicate the name of the person so appointed to the registrar of the university.

Term of
office

24. The elected and appointed members of the senate shall hold office for three years and shall be eligible for reelection or reappointment provided that the first elected or appointed members of the senate shall hold office until two years from the first Wednesday of October next following their election or appointment.

25. Whenever a vacancy occurs in the senate through the retirement of any member for any cause whatever it shall be competent for those by whom such retiring member was elected or appointed to elect or appoint as the case may be a successor who shall hold office for the remainder of the term of such retiring member. Vacancy

MEETINGS AND POWERS OF SENATE.

26. The first meeting of the senate shall be held within one month after the first election by convocation under this Ordinance and such meeting shall be at the call of the chancellor of the university. First meeting

27. The senate shall have power to regulate its meetings and proceedings and shall have the entire management of and superintendence over all the affairs, concerns and property of the university and in all cases unprovided for by this Ordinance it shall be lawful for the senate to act in such manner as shall appear to it best calculated to promote the purposes to be intended to be promoted by the university and it shall have full powers to prescribe examinations and confer degrees and to appoint at such salaries as it shall think fit and at pleasure to dismiss all professors, tutors, lecturers, teachers and other necessary officers, assistants and servants of the university. Powers of senate

(2) No religious test shall be required of any professor teacher, lecturer or student or servant of the university nor shall religious observances according to the forms of any particular religious denomination or otherwise be imposed on them or any of them.

28. The senate may from time to time make or alter any statute or statutes touching any matter whatsoever regarding the university not inconsistent with the provisions of this Ordinance or any law in force in the Territories. Statutes

29. All statutes of the senate shall have the common seal of the university affixed thereto and they shall be binding in accordance with the true intent and meaning thereof. Form of statutes

30. By any such statute power may be given to any committee, officers or persons to make such regulations for better carrying out the provisions or object of any statute of the university in the manner and to the extent therein prescribed. Delegation of powers

31. The senate may from time to time affiliate any incorporated college or colleges with the university on being satisfied that such college is in operation and possessed of the requisite buildings and a sufficient staff of professors and other teaching officers to affiliate. Affiliation of colleges

32. Any college affiliated with the university under this Ordinance may be removed from such affiliation by statute of the senate of the university. Removal from affiliation

MEETINGS AND PROCEEDINGS OF CONVOCATION.

Meetings of
convocation

33. The regular annual meeting of convocation shall be held on the third Tuesday in May and convocation may hold other meetings at such time and place as it may decide by resolution.

Call of the
senate

34. Convocation shall also meet at the call of the senate.

Extraordinary
meeting

35. The chairman of convocation shall call an extraordinary meeting of convocation on requisition of ten members but such requisition shall state the object or objects of the meeting to be called and no matter shall be discussed at such extraordinary meeting except the matter or matters for which it was convened.

Notice of
special
meeting

36. At least twenty days' notice of every special meeting of convocation shall be given in writing to each member whose address is known and the object or objects of such meeting shall be clearly stated in such notice.

Officers of
convocation

37. The officers of convocation shall be a chairman, a secretary and an executive committee consisting of five members all of whom shall be elected annually in such manner as convocation shall determine.

Rules and
regulations

38. Convocation shall have power to make such rules, bylaws and regulations as it may consider requisite for conducting its business and proceedings.

Fee

39. Convocation shall have the power of fixing a fee to be paid by its members to defray the necessary expenses of convocation.

REGISTRAR.

The registrar

40. The registrar of the university shall be appointed by the senate and it shall be his duty to keep all necessary records and accounts and to perform such other duties as may be required of him by the senate.

FACULTIES.

Faculties

41. There shall be in the university such faculties as the senate may by statute determine.

ENDOWMENTS.

Endowments

42. Any person or corporation may with the approval of the senate found one or more professorships, lectureships, fellowships, scholarships, exhibitions, prizes or other rewards in the university by providing a sufficient endowment in land or other property and conveying the same to the corporation of the university for such purposes and every such endowment of lands or other property shall be vested in the corporation of the university for the purpose or purposes for which it was given.

43. The university shall be strictly nonsectarian in principle and no religious dogma or creed shall be taught and no religious test required of any student or other person. ^{University to be nonsectarian}

44. The senate shall make full provision for the education of women in the university in such manner as it shall deem most fitting, provided however that no woman shall by reason of her sex be deprived of any advantage or privilege accorded to male students of the university. ^{Education of women}

SCHEDULE.

FORM OF VOTING PAPER.

Election 19 .

I, _____ resident at _____ in the _____ do hereby declare :

1. That I am a member of convocation of the university of _____

2. That the signature affixed hereto is in my proper handwriting.

3. That I have not at this election signed any other voting paper as a member of convocation.

4. That I vote for the following person to be chancellor of the said university :

of _____

5. That I vote for the following persons to be members of the senate of the said university :

of _____

of _____

etc.

Witness my hand this _____ day of _____ 19 .

CHAPTER 27

An Ordinance to amend Chapter 29 of the Ordinances of 1901, intituled "An Ordinance respecting Schools."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 2
amended

1. Section 2 of *The School Ordinance* is hereby amended—

1. By adding at the end of paragraph 7 thereof the following proviso :

"Provided that in case any village in which is situate in whole or in part a village district is at any time incorporated as a town such village district shall for the purposes of this Ordinance be deemed to continue to be a village district until the end of the then current calendar year."

2. By adding to paragraph 9 thereof the following words—"or in the case of a district in which there has been no revised assessment roll any person of the full age of twenty-one years who has owned or been occupant of assessable property therein for a period of at least two months."

3. By adding thereto the following paragraphs :

"13. The expression 'owner' includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land in a district.

"14. The expression 'occupant' includes inhabitant occupier of any land or if there be no inhabitant occupier the person entitled to the possession thereof and the leaseholder or holder under agreement for lease and holder under agreement for sale and any person having or enjoying in any way or for any purpose whatsoever the use of land.

"15. The expression 'tax payer' means any person who is the owner or occupant of lands in respect of which some person is or may be assessed."

New section 9

2. Section 9 of the said Ordinance is hereby repealed and the following substituted therefor :

"9. Meetings of the council shall be held at such times and places as may be determined by the commissioner but at least one meeting shall be held in each calendar year."

Section 32
amended

3. Section 32 of the said Ordinance is hereby amended by adding thereto the following subclause :

“(e) The declaration of posting notices required by section 15.”

4. Section 46 of the said Ordinance is hereby amended by adding thereto the following subsections: Section 46 amended

“(2) In the event of its being shown to the satisfaction of the commissioner that the title of any site approved by him cannot be obtained by the district by reason of the refusal or failure of the owner to sell such site or to accept a fair price for it or by reason of a mortgagee or other person interested in such site refusing or failing to release his mortgage or interest the commissioner may execute a transfer of the said site in favour of the district and upon application *ex parte* to a Judge of the Supreme Court and upon presentation of such transfer he shall make an order vesting the title of the lands described in the transfer in the school district free from all charges and incumbrances other than taxes.

“(3) The amount and in case there are more parties than one interested the manner of payment of the compensation to be paid for the site acquired under the provisions of the next preceding subsection shall be determined by two arbitrators one appointed by the district and the other by the owner or persons interested under the provisions of *The Arbitration Ordinance*.”

5. Section 59 of the said Ordinance is hereby amended by striking out paragraph 1 thereof. Section 59 amended

6. Section 71 of the said Ordinance is hereby amended by adding thereto the following subsection: Section 71 amended

“(3) Upon a rural or village district becoming a town district the first election for trustees shall be held at the time prescribed in this Ordinance for the annual election of trustees and at such election there shall be elected two trustees for a term of two years and one trustee for a term of one year and the two trustees of the district whose terms have not expired shall continue to hold office for the terms for which they were respectively elected.”

7. Sections 107, 108, 109, 110 and 111 of the said Ordinance are hereby repealed and the following substituted therefor: New sections 107-111

“ BY DEBENTURE.

“ **107.** Should it appear desirable to the board of any district that a sum of money should be borrowed upon the security of the district for securing, purchasing, adding to, extending, or improving a school site or sites, or a site for a teacher's house, or for purchasing, repairing, erecting, furnishing or adding to any school building or teacher's house or for all or any of the said purposes it shall pass a bylaw to that effect which may be in form prescribed by the commissioner or to the like effect and which shall be under the corporate seal of the district. For school site, buildings, etc.

"(2) A copy of every such bylaw shall be inscribed in the minute book containing a record of the board's proceedings.

Notice of
intention to
borrow

"108. Within five days from the passing of the bylaw the board shall give notice of its intention to apply to the commissioner for authority to borrow the amount specified in the bylaw and on the conditions therein set forth.

"(2) Every such notice shall be in form prescribed by the commissioner and shall be given by notices posted up in at least five widely separated and conspicuous places in the district one of which shall be a post office situated therein and should there be no post office in the district a sixth notice shall be posted in the post office nearest thereto.

Demand for
poll

"109. Unless the amount to be borrowed under the bylaw does not exceed \$800 and is to be borrowed for the purpose of erecting a first school house or for such purpose and other purposes in a district in a town district twenty, in a village district ten and in a rural district four ratepayers of the district may within fifteen days from the date of the posting of notices in the next preceding section mentioned demand a poll of the ratepayers for and against the bylaw and such poll shall be held as hereinafter provided in sections 113 to 121.

"(2) Every demand for a poll shall be delivered to the secretary of the district or in his absence to the chairman of the board and a certified copy of the demand shall be forthwith transmitted to the department.

Authorisation
of loan by
commissioner
when no poll
held

"110. In the event of a poll not being required or not being demanded as hereinbefore provided the secretary of the board shall transmit to the commissioner—

1. A certified copy of the bylaw ;
2. A certified copy of the notice provided in section 108 hereof and a statutory declaration proving posting of notices ;
3. A statutory declaration stating the amount of assessable land in the district if a rural district or the assessed value of the real property in the district as shown by the last revised assessment roll if a town or village district

and upon receipt of the same and upon being satisfied that the several conditions required by this Ordinance have been substantially complied with the commissioner may in writing authorise the board of trustees to borrow the sum or sums of money mentioned in the bylaw or a less sum and shall publish notice of authorisation in the official gazette.

Notice of
polling

"111. In the event of a poll being demanded as provided by section 109 hereof the board shall by resolution fix the time and place for holding the same and shall give notice in form prescribed by the commissioner or to the like effect of

such time and place of polling by notices posted up in at least five widely separated and conspicuous places throughout the district at least fourteen clear days before the polling one of which notices shall be posted in the post office situated within the district and should there be no such post office a sixth notice shall be posted in the post office nearest thereto."

8. Section 116 of the said Ordinance is hereby amended by striking out the words "whose name appears on the last revised assessment roll of the district and" where they occur therein. Subsection 116 amended

9. Subsection (2) of section 128 is hereby amended by adding thereto the following words, "or in case there has been no revised assessment roll for each acre assessable as shown by the statutory declaration required by paragraph 3 of section 110." Subsection (2) section 128 amended

10. Subsection 5 of section 128 of the said Ordinance is hereby repealed and the following substituted therefor: New subsection (5) section 128

"(5) Debentures may be dated at any time within twelve months from the date on which notice of the authorisation of the loan appears in the official gazette and the first instalment of principal and interest may be made payable at any time within eighteen months of the date of the debenture and the debenture shall be in the following form or to the like effect: Date and form of debenture

\$ Debenture No.
School District No. of the North-West Territories.

The Board of Trustees (or official trustee as the case may be) of School District No. of the North-West Territories promise to pay the bearer at the at the sum of dollars of lawful money of Canada in equal consecutive annual instalments with interest at the rate of per cent, per annum on the terms and in the amounts specified in the coupons attached hereto.

Dated this day of 19 .
A.B.
Chairman.
C.D.
Treasurer (or Official Trustee.)

COUPONS.

Coupon No.
Debenture No.
The Board of Trustees of School District No. of the North-West Territories (or official trustee as the case may be) will pay to the bearer at the at on the day of 19 the sum of dollars being the instalment of principal with

the total interest at the rate of _____ per cent. per annum due on that day on School Debenture No.

A.B.

Chairman.

C.D.

Treasurer (or Official Trustee.)"

Sections 131
and 163
amended

11. Sections 131 and 163 of the said Ordinance are hereby amended by striking out the word "ratepayer" where it occurs therein and substituting therefor the word "taxpayer."

Section 171
amended

12. Section 171 of the said Ordinance is hereby amended by adding thereto the following subsection :

"(2) Any trustee, officer or employee of a district who refuses, neglects or fails to perform any duty imposed on him by this Ordinance shall be liable to a penalty not exceeding \$50."

Form B (c)
amended

13. The form B (c) in the schedule to the said Ordinance is hereby amended by striking out the words "that his name appears on the last revised assessment roll of the above named district" where they occur therein.

Forms D
and E
repealed

14. Forms D and E in the schedule to the said Ordinance are hereby repealed.

Order not to
be invalidated
for
irregularity

15. No order purporting to be made under the said Ordinance and being within the powers conferred by the said Ordinance shall be deemed invalid on account of any noncompliance with any of the matters required by the said Ordinance as preliminary to such order. And no misnomer, inaccurate description or omission in any such order shall in anywise suspend or impair the operation of the Ordinance with respect to the matter so misdescribed or omitted.

Correction of
error in order,
etc.

16. Any misdescription or other error in any order made by the commissioner or in any order made or proclamation issued by the Lieutenant Governor in Council under the provisions of the said Ordinance or under the provisions of any other Ordinance respecting schools at any time in force in the Territories may be corrected and confirmed with such correction as of the date on which it was made or issued by the commissioner by any subsequent order.

1903

(Second session)

CHAPTER 28

An Ordinance respecting Fences.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The Fence Ordinance.*" Short title
C.O., c. 77, s. 1.

PROVISIONS REGARDING FENCES.

2. No action for damages caused by domestic animals shall be maintained nor shall domestic animals be liable to be Absence of lawful fence distrained for causing damage to property unless the same is surrounded by a lawful fence. C.O., c. 77, s. 2.

3. Any of the fences in this section described shall be Lawful fence defined deemed a lawful fence:

1. Any substantial fence not less than four feet high if it consists—

- (a) Of rails or boards not less than four in number, the lower one not more than eighteen inches from the ground and each panel not exceeding twelve feet in length;
- (b) Of upright posts, boards or palings not more than six inches apart;
- (c) Of barbed wire and a substantial top rail, the wires to be not less than two in number and the lower one not more than twenty inches from the ground, posts to be not more than sixteen and a half feet apart;
- (d) Of three or more barbed wires, the lower one not more than twenty inches from the ground, posts to be not more than sixteen and a half feet apart;
- (e) Of not less than three barbed wires on posts not more than fifty feet apart, the wires being fastened to droppers not less than two inches in width and one inch in thickness or willow or other poles not less than one inch in diameter at the small end or wire dropper, the said droppers or poles being placed at regular intervals of not more than seven feet apart;

(f) Of two posts spiked together at the top and resting on the ground in the shape of an A which shall be joined by a brace firmly nailed near the base, with three rails firmly secured on the one side of the A, the top rail not less than four feet and the bottom rail not less than eighteen inches from the ground, there being also firmly secured on the other side of the A one rail not more than twenty inches from the ground;

(g) Of woven wire secured to posts not more than 35 feet apart;

2. Any river bank or other natural boundary sufficient to keep domestic animals out of any land. 1899, c. 21, s. 1.

Fences around
crops

4. No fence surrounding growing crops or crops in process of being harvested shall be deemed a lawful fence unless it is situated at least eight feet from such crop and otherwise complies with the provisions of this Ordinance. C.O., c. 77, s. 4.

Fences
surrounding
stacks

5. Any fence surrounding stacks of hay or grain shall be deemed a lawful fence if constructed according to the provisions of section 3 of this Ordinance and situated not less than ten feet from such stacks. 1899, c. 21, s. 2.

Liability of
adjoining
owners for
line fences

6. Whenever two owners or occupiers of adjoining parcels of lands desire to erect a line or boundary fence between such adjoining parcels for the common advantage of both they shall bear the expense of the erection in equal shares and thereafter the expense of maintaining and repairing such fence shall be borne by the adjoining owners or occupiers in equal shares.

(2) Whenever the owner or occupier of any parcel of land erects a line or boundary fence between such land and an adjoining parcel of land the owner or occupier of such adjoining parcel of land as soon as he receives any benefit or advantage from such line or boundary fence by the enclosure of his land or any portion thereof or otherwise howsoever shall pay to the first mentioned owner or occupier a just proportion of the then value of such line or boundary fence and thereafter the expense of maintaining and repairing such fence shall be borne by the adjoining owners or occupiers in equal shares. C.O., c. 77, s. 6.

Trespassing of
animals

7. The owner of any domestic animal which breaks into or enters upon any land inclosed by a lawful fence shall be liable to compensate the owner of such land for any damage done by such animal. C.O., c. 77, s. 7.

Liability of
owner

Disagreement
as to fencing
or damages

8. In case adjoining owners or occupiers of land disagree as to what is a lawful fence or as to the proper location of a proposed or existing line or boundary fence or as to the just proportion of a line fence which each such owner or occupier should make or put in repair or as to the amount which any such owner or occupier should make compensation to the other

for making or keeping in repair any fence or in case parties interested disagree as to the amount of damages done by animals breaking into or entering upon any land inclosed by a lawful fence they shall each appoint an arbitrator to determine and settle the matter in difference and such arbitrators shall first giving the parties in difference reasonable notice of the time and place where they intend to meet for the purpose of hearing and determining the matter in difference attend at such time and place and hear such parties and their witnesses and make their award in respect to the matters so in difference ; and in case such arbitrators are unable to agree they shall appoint an umpire who shall make an award in respect to the said matters ; and in case either of the parties in difference refuses or omits to appoint an arbitrator within forty-eight hours after a demand is made in writing upon him to do so by the other party in difference such other party in difference may apply to a justice of the peace who being satisfied by the oath of a credible witness that such demand has been made and not complied with may appoint an arbitrator in the stead of the person so refusing or omitting to appoint and the arbitrator so appointed shall proceed and act and all steps shall be had and taken as in this section provided as if such arbitrator had been appointed by the person so refusing or omitting to appoint. No. 38 of 1897.

(2) The direction herein contained for the appointment of arbitrators shall be deemed a submission under *The Arbitration Ordinance* and the provisions of the last mentioned Ordinance shall apply thereto.

(3) The decision of the arbitrators as to the proper location of a proposed or existing line or boundary fence shall not affect the title to the land on either side thereof and shall be binding only during the actual existence as a lawful fence of the fence in question. C.O., c. 77, s. 8, 1900, c. 27, s. 1.

9. Nothing in the preceding section shall be held to affect in any way the right of any person to seize or impound cattle in any herd or pound district under the provisions of any Ordinance authorising the seizing or impounding of cattle in any such district or to affect the demand or recovering of damages in the mode prescribed by that Ordinance. C.O., c. 77, s. 9. Exceptions as to herd and pound district

10. It shall be the duty of any person erecting any wire fence across any trail that has been in common use by the public for a period of three months immediately previous to such erection to place a top rail on such fence where it crosses the trail and for a distance of two rods on each side from the centre of the trail. 1899, c. 21, s. 3. Fences across closed trails

11. Chapter 77 of The Consolidated Ordinances 1898, Chapter 21 of The Ordinances of 1899 and Chapter 27 of The Ordinances of 1900 are hereby repealed. Repeal

1903

(Second session)

CHAPTER 29

An Ordinance for the Protection of Game.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

Short title 1. This Ordinance may be cited as "*The Game Ordinance.*"
C.O. c. 85, s. 1.

INTERPRETATION.

Interpretation 2. In this Ordinance unless the context otherwise requires—

1 The term "game" shall apply to all animals dead or alive mentioned in sections 4 and 5 of this Ordinance and to the parts of such animals;

2. The term "big game" shall apply to such animals as are mentioned in section 4 of this Ordinance;

3. The term "game bird" shall apply to all birds belonging to the families mentioned in section 5 of this Ordinance;

4. The term "fur bearing animal" shall apply to such animals as are mentioned in section 6 of this Ordinance;

5. The term "close season" shall mean the period during which the killing of any animal is prohibited by this Ordinance;

6. The term "nonresident" shall mean a person who does not reside in the North-West Territories;

7. The term "guardian" shall apply to any person appointed under the provisions of this Ordinance to see to its enforcement;

8. The term "commissioner" shall mean the Commissioner of Agriculture;

(2) The period of close seasons shall include the first date but not the last mentioned.

PROHIBITIONS.

Hunting on
Sunday
prohibited

3. No person shall hunt, trap, take, shoot at, wound or kill any beasts or birds mentioned in this Ordinance on the first day of the week commonly known as Sunday.

4. No person shall hunt, trap, take, shoot at, wound or kill: Big game protected

1. Any bison or buffalo at any time ;

2. Any mountain sheep or goat between the fifteenth day of December and the first day of October in the following year ;

3. Any prong horn antelope between the fifteenth day of November and the first day of October in the following year ;

4. Any of the deer family whether known as caribou, moose, elk, wapiti, deer or otherwise in that portion of Assiniboia lying south of township 22 and east of range 23 west of the second meridian between the fifteenth day of December and the first day of December in the following year and in any event not more than two of such animals and in other parts of the Territories between the fifteenth day of December and the first day of November in the following year and in any event not more than three animals of any one species of such family.

5. Any female or the young thereof under one year of age of any of the above mentioned animals at any time. C.O., c. 85, ss. 2, 3 ; 1899, c. 23, s. 1 ; 1901, c. 32, s. 1.

5. No person shall hunt, trap, take, shoot at, wound or kill: Game birds protected

1. Any bird of those species of the family *Anatidae*, commonly known as ducks between the fifth day of May and the twenty-third day of August ;

2. Any bird of the *Gruidae* commonly known as cranes, between the first day of January and the first day of August ;

3. Any bird of the *Rallidae* or rails and coots, between the fifth day of May and the twenty-third day of August ;

4. Any bird of the *Limicolae*, or shore birds, including snipe, sandpiper, plover and curlew between the fifth day of May and the twenty-third day of August ;

5. Any bird of the *Gallinae*, commonly known as grouse, partridge, pheasant, ptarmigan and prairie chicken between the fifteenth day of December and the fifteenth day of September in the following year :

Provided that no English pheasant shall be taken or killed at any time nor shall more than twenty birds of the family of *Gallinae* be killed by one person in any one day nor more than two hundred in a season. C.O., c. 85, s. 3 ; 1899, c. 23, s. 2.

6. No person shall hunt, trap, take, shoot at, wound or kill: Fur bearing animals protected

1. Any mink, fisher or marten between the first day of April and the first day of November ;

2. Any otter between the first day of May and the first day of November ;

3. Any muskrat between the fifteenth day of May and the first day of November ;

4. Any beaver at any time before the thirty-first day of December, 1908. C.O., c. 85, ss. 7, 8 ; 1901, c. 32, s. 2 ; 1902, c. 10, s. 1.

Hunting over
enclosed lands
prohibited

7. No person shall at any time hunt, trap, take, shoot at, wound or kill, any bird or other animal mentioned in this Ordinance if it be upon or over any land enclosed by a fence of any kind or any land under cultivation or covered by buildings nor shall he allow his dog or dogs used for hunting to enter upon such lands without having obtained the consent of the owner or occupant thereof. C.O., c. 85, s. 23.

Hunting at
night
prohibited

8. No person shall hunt, trap, take, shoot at, wound or kill any big game or game birds between one hour after sunset and one hour before sunrise.

Modes of
capture
prohibited

9. No person shall at any time use or set for the destruction or capture of game birds :

1. Any poison, opium or other narcotic ;

2. Any sunken punts, nightlights, traps, nets or snares of any kind ; swivel, spring or machine guns ; and any person finding such contrivances set or in use may destroy them without incurring any liability therefor. C.O., c. 85, s. 6.

Export of
game
prohibited

10. No person shall at any time or in any manner take out of, export or cause to be exported from the Territories any big game or game bird without having obtained permission from the commissioner. C.O., c. 85, s. 13.

Prima facie
evidence of
unlawful
killing

11. During the time in which it is unlawful to kill any animal or bird as herein provided the possession of any part of such animal or bird (except the skin) shall be deemed *prima facie* evidence that such animal or bird was unlawfully killed or taken. C.O., c. 85, s. 10.

Mountain
sheep or goat
not to be sold

12. No person other than a game guardian in respect to game forfeited under the provisions of section 26 shall sell or expose for sale, barter or trade nor shall any person buy or obtain from any other person by barter or trade or in any other manner any mountain sheep or goat or any part thereof. C.O., c. 85, s. 19.

Certain
trading
prohibited

13. No person other than a game guardian in respect to game forfeited under the provisions of section 26 shall at any time offer for sale, barter or exchange any bird of the family *Gallinae* that has been caught or killed by any person other than himself. C.O., c. 85, s. 18.

Low grade
furs not to be
exported

14. No person shall ship out of the Territories a skin or pelt of any fur-bearing animal of lower grade than what is known in the fur trade as No. 3.

Eggs protected

15. No person shall at any time wilfully disturb, destroy or take the eggs of any game bird. C.O., c. 85, s. 4.

Sporting dog
to be kept
confined

16. No owner of a dog used for hunting deer or known by the owner to be accustomed to pursue deer shall allow such

dog to run at large in any locality where big game are usually found when such game are protected by this Ordinance and such dog found running such game may be killed by any person without incurring any liability therefor.

PERMISSIONS.

17. The commissioner may on receipt of an application grant a permit to any person to secure or export for propagation for public parks or zoological gardens or for scientific purposes : Permit to take for scientific purposes

1. One pair of any or each species of big game ;
2. One pair of any or each species of game bird ;
3. One nest of eggs of any or each species of game bird :

Provided that a fee of \$5.00 accompany the said application which shall state distinctly the species required and the special purpose for which wanted and shall be verified by affidavit.

(2) The permit shall be returned at the end of the calendar year with a detailed statement of the specimens secured. C.O., c. 85, s. 16.

18. No person not a resident of and domiciled in the Territories shall be entitled to hunt, trap, take, shoot at, wound or kill any big game or game bird whether protected by this Ordinance or not without having first obtained a licence in that behalf ; every such licence shall be signed by the commissioner and shall be in force for the calendar year in which the same is issued and shall be subject to the provisions of the game laws in force in the Territories at the time the said licence is granted ; the fee to be paid therefor shall be \$25.00 for a general licence or \$15.00 for a bird licence. Such licence shall not be valid unless the signature of the person to whom it is issued is endorsed thereon. Licence for nonresident

(2) Every such person shall on request by a guardian produce and show to such guardian such licence and if he fails or refuses to do so he shall be deemed to have violated the provisions of this section.

(3) A holder of a general licence shall be entitled to take with him out of the Territories as trophies the head, skin and hoofs of any big game that have been legally killed by him. 1901, c. 32, s. 3.

(4) The commissioner may make regulations regarding the issuing of such licences and for the remuneration of the persons issuing the same either by a proportion of the licence fee or otherwise.

19. Notwithstanding anything contained in the next preceding section any guardian may grant permission in writing in form A in the schedule to this Ordinance for a period not exceeding five consecutive days to any person not Guest permit

a resident of the Territories who is a *bona fide* guest of any resident of the Territories permitting such person to hunt, take and kill in company with such resident any game within the period in which it is lawful for such resident to hunt.

(2) Before the grant of such permission there shall be filed with the game guardian an affidavit by the applicant and such resident in form B in the schedule to this Ordinance.

(3) The grant of such permission to any person shall not exempt him from penalty for violation of this Ordinance if it shall appear that any statement made in such affidavit is untrue or that such person has since the grant of such permission ceased to be a guest as described in the affidavit.

(4) A fee of one dollar shall be paid to the game guardian for every such permission granted by him and he shall within one month of the granting of any such permission report the same to the commissioner.

(5) Any resident accompanying or aiding a nonresident to hunt or shoot without the necessary permit shall be held equally to have violated the law and shall be liable to like penalties. 1899, c. 23, s. 3.

Possession by
taxidermist

20. Any taxidermist may have in his possession at any time the head or other parts of any animal mentioned in this Ordinance for the purpose of preserving, mounting or stuffing the same if accompanied by an affidavit of the owner thereof stating that such animal was lawfully killed or acquired by him in the Territories or elsewhere.

(2) Any game guardian who has reason to believe that any person under cover of this section has any game in his possession contrary to the provisions of this Ordinance shall have power to enter upon the premises of such person and make search in every part thereof for such game.

Close season
for imported
game birds

21. The Lieutenant Governor in Council may when satisfactory reason is shown permit the introduction of foreign game birds and may declare a close season for them during the then current year or may on the receipt of a petition from six game guardians extend the close season for any class of game over the current year within limits.

PROSECUTIONS.

Penalties

22. Any violation of any of the provisions of this Ordinance shall be an offence punishable on summary conviction before a justice of the peace as respects killing or taking of buffalo with a fine not less than \$50.00 and not more than \$500.00 and as respects any other violation of this Ordinance with a fine not exceeding \$50.00 with costs in either case, half of which fine shall be paid to the complainant on his demand therefor and the other half paid into the general revenue fund of the Territories; but if the complainant makes no demand for half of the fine at or before the conclusion of the trial then the

whole of the fine shall be paid into the general revenue fund of the North-West Territories. On nonpayment of such fine and costs forthwith after conviction the offender shall be imprisoned in the nearest gaol for a period not exceeding two months. C.O., c. 85, s. 14.

23. No prosecution for violation of any of the provisions of sections 4 or 6 of this Ordinance shall be commenced after twelve months from the date of such violation and no prosecution for violation of any other provision of this Ordinance shall be commenced after three months from the date of such violation. C.O., c. 85, s. 15.

GAME GUARDIANS.

24. The commissioner may appoint guardians to enforce the provisions of this Ordinance who for that purpose shall have the power of constables. C.O., c. 85, s. 11.

25. All members of the North-West Mounted Police Force shall be *ex officio* game guardians under the provisions of this Ordinance. C.O., c. 85, s. 21.

26. Any guardian who has reasonable grounds to believe that an offence has been committed under this Ordinance may seize any game in respect of which he believes such offence has been committed and take the same before the nearest justice of the peace who shall notify the person in whose custody the game was found to appear before him at a certain time and establish the rightfulness of his possession of such game and in the event of his failure so to do the justice may declare such game forfeited and it shall thereupon be the property of such guardian. C.O., c. 85, s. 11.

APPLICATION OF ORDINANCE.

27. This Ordinance shall only apply to such Indians as it is specially made applicable to by the Superintendent General of Indian Affairs of Canada under the provisions of section 133 of the Indian Act as enacted by 53 Victoria, chapter 29, section 10. C.O., c. 85, s. 22.

28. The provisions of this Ordinance shall not apply to the taking of game by curators of museums in the Territories under the auspices of the Dominion or Territorial Government or to their assistants who may be appointed in writing for the purpose of such museums.

REPEAL.

29. Chapter 85 of The Consolidated Ordinances 1898, chapter 23 of The Ordinances of 1899, chapter 32 of the Ordinances of 1901 and chapter 10 of the Ordinances of 1902 are hereby repealed.

SCHEDULE.

FORM A.

Guest's Shooting Permit.

Under and by virtue of the power vested in me under the provisions of *The Game Ordinance* permission is hereby given to of the guest of of in the North-West Territories to hunt, take or kill in the company of the said any game under the provisions of the law in that respect, from the day of 1 to the day of 1

Fee \$1.00.

Game Guardian.

FORM B.

Affidavit.

Canada
North-West Territories: } In the matter of
To Wit } *The Game Ordinance*

We of
and of
severally make oath and say as follows:

1. The said is at present residing with the said (who is a resident of the North-West Territories) as his *bona fide* guest.

2. The said has not directly or indirectly received nor is it expected that he will directly or indirectly receive any consideration, wages or compensation from the said for or in respect of his residence with the said

Sworn before me at
in the North-West Territories }
this day of } (Signature.)
..... A.D. 1 }
..... } (Signature.)

1903

(Second session)

CHAPTER 30

An Ordinance to amend Chapter 87 of The Consolidated Ordinances 1898, intituled "An Ordinance for the Prevention of Prairie and Forest Fires."

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 2 of *The Prairie Fires Ordinance* as amended by section 1 of chapter 25 of the Ordinances of 1903 is hereby further amended by adding thereto the following subsection : Section 2
amended

"(3) For the purpose of ploughing any fire guard as in the next preceding subsection provided and of freeing from inflammable matter the land between such fire guard and the line of railway any railway company is hereby authorised to enter upon any uncultivated or unoccupied land without incurring any liability therefor provided that no unnecessary damage shall be done."

1903

(Second session)

CHAPTER 31

An Ordinance to legalise Certain Marriages.

[Assented to November 21, 1903].

Preamble

WHEREAS in the years 1902 and 1903 the marriages of the persons hereinafter mentioned were solemnised in the District of Assiniboia according to the rites and usages of the Presbyterian church in Canada :

And Whereas Colomon Kovacsi who solemnised the said marriages, a missionary of the said church, was not duly ordained or appointed according to the rites and ceremonies of the said church ;

And Whereas doubts have therefore arisen as to the legality of such marriages ;

And Whereas it is desirable that such doubts should be set at rest and the said marriages declared valid ;

THEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Certain
marriages
declared legal

1. The marriage between Kovacsi Istvan of Hazlewood in the District of Assiniboia and Iaszay Ercebet of the same place solemnised in or about the month of December 1902 ; the marriage between Ladislav Sobotka of Grove Park in the District of Assiniboia and Catherine Orada of the same place solemnised in or about the month of January 1903 ; the marriage between Charles Sabo of Fletwode in the District of Assiniboia and Julia Shunaker of the same place solemnised in or about the month of March 1903 ; the marriage between Frank Bernat of Fletwode in the District of Assiniboia and Mari Kovacs of the same place solemnised in or about the month of March 1903 ; and the marriage between Frank Sarka of Fletwode in the District of Assiniboia and Rosa Mile of the same place solemnised in or about the month of May 1903 are hereby declared to be and to have been from their respective dates as legal and valid as if the said Colomon Kovacsi had been a minister duly appointed or ordained according to the rites and ceremonies of the said church.

1903

(Second session)

CHAPTER 32

An Ordinance to amend certain Ordinances relating
to the Town of Edmonton.

[Assented to November 21, 1903].

THE Lieutenant Governor by and with the advice and
consent of the Legislative Assembly of the Territories
enacts as follows :

1. Section 48 of *The Edmonton Municipal Public Works Ordinance* being chapter 35 of the Ordinances of 1900 as amended is hereby further amended by adding thereto the following subsection :

S. 48 of c. 35 of
1900 amended

“(3) And where a system of waterworks has been established and it is proposed to extend the said system it shall not be necessary to obtain the assent of the ratepayers to the passing of a bylaw for raising the cost of such extension though such cost is to be wholly or partially borne by the municipality at large.”

2. Section 4 of chapter 16 of the Ordinances of 1902 is hereby amended :

S. 4 of c. 16 of
1902 amended

1. By striking out the words “local improvement” where they occur in the proviso lettered (a) to subsection (2) of section 231 under said section 4 and by substituting therefor the words “street or place whereon or wherein the local improvement is made;”

2. By adding to the said subsection (2) the following further proviso :

“(c) Provided that in case of sewers if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made ; and the amount so assessed shall be placed to the credit of the municipal account relating to sewers ; but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect

of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption," and

3. By inserting after the word "mailing" where it occurs in section 239 under said section 4 the words "or delivery."

3. Bylaws of the Town of Edmonton for creating debts not payable within the financial year may provide that the indebtedness shall as the municipal council may deem expedient be payable either

1. In such manner that each instalment of principal and interest shall be as nearly as may be equal in each year of the period of years fixed thereby ; or

2. In such manner that the principal shall be repayable at the end of the said period (an equal yearly fund by way of sinking fund being raised annually during the said period sufficient to meet the principal at maturity) and the interest thereon annually ;

and if any such provision is contained in any bylaw of the said Town of Edmonton whether heretofore or hereafter passed the indebtedness and the debentures issued in respect thereof may be made payable in whichever of such modes the municipal council may by bylaw determine.

1903

(Second session)

CHAPTER 33

An Ordinance relating to the Town of Raymond.

[Assented to November 21, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The council of the Town of Raymond in addition to any powers now possessed by it shall have power to enter into contracts and agreements with any person or corporation for such period not in the first instance to exceed thirty years as may be thought desirable for the supply of water to the town or the inhabitants thereof whether by waterworks or irrigation ditches or otherwise for domestic, irrigation or other purposes and to contract and agree to purchase from any such person or corporation for such consideration as to the council may seem proper any water or water rights.

Council may contract for supply of water to town

2. Any contract entered into under the preceding section of this Ordinance may be renewed from time to time for such period not to exceed ten years as the council may determine.

Contract may be renewed

3. The council shall in addition to all powers now possessed by it possess also the power to regulate the distribution and use of water to the inhabitants of the town whether by waterworks, irrigation ditches or otherwise in all places and for all purposes in or for which the same may be required and from time to time to fix prices for the supply and use thereof and the manner of payment; to determine the person and persons liable to make such payment and to make a difference between the rates or prices charged to different users of water in respect of the quantity of water used or the purpose for which it is required; to construct, maintain and operate such hydrants, ditches or reservoirs and in such places as they shall see fit and to direct in what manner and for what purpose the same may be used; all of which they may alter and change at their discretion.

Power to regulate distribution of water

(2) Any sum payable by the owner or occupant of any house, tenement, lot or parcel of land for water supplied to him or for use in or upon any such house, tenement, lot or parcel, and all rates, costs and charges imposed under any bylaw or resolution passed in pursuance of this Ordinance shall be a lien or charge on the said house, tenement, lot or parcel and may be levied or collected in like manner as municipal rates and taxes are by law collectable.

Power to enter
upon and
acquire lands

4. The council, their agents, officers or servants shall have power to enter upon, take, use and acquire either by agreement with or without the consent of the owner so much real property as may be required for the purpose of carrying water by ditches throughout the town and to make such compensation for any real property so acquired as may be agreed with the owner :

Provided however that no such real property shall be acquired without the consent of the owner or owners thereof unless the same is necessary for the purpose of reaching a point where distribution of such water is required when such point could not otherwise conveniently be reached by the ditch ; and

Provided also that due compensation shall be made for any real property so acquired to the parties entitled thereto and due provision made for bridges where required such compensation and provision to be determined by arbitration under the provisions of *The Municipal Ordinance* where a mutual agreement is not possible.

Power to make
and enforce
bylaws for
management
and maintain-
ance of works
and collection
of rates

5. The council may from time to time make and enforce necessary bylaws, rules and regulations not inconsistent with any law in force in the Territories for the general management, maintenance and conduct of the waterworks or irrigation works or ditches and of the officers and others employed in connection with them, for the collection of the rates and charges for water supplied thereby, for the prevention and punishment of any unauthorised interference with or damage or injury done to any such water or irrigation works or ditches, attachments or connections, for fixing the time or times when and the places where the rates and charges shall be payable and for allowing a discount for repayment, and for prescribing the penalties to be incurred by any person improperly using removing or appropriating water from said ditches or works.

(2) In case of default in payment of any such water rates or charges the council may enforce payment by shutting off the water or by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the owner or occupant or of any goods or chattels in his possession wherever the same may be found in the municipality or of any goods and chattels the property of or in the possession of any other occupant of the premises ; but where the arrears exceed three months no distress shall be made of any goods or chattels which are not the property of the person liable for the rate.

(3) The distress and sale may be conducted in the same manner as sales are conducted for arrears of taxes and the costs chargeable shall be those prescribed for distress under *The Municipal Ordinance*.

(4) The attempt to collect the rate or charge by any process hereinbefore authorised shall not in any way invalidate the lien upon the premises as hereinbefore provided.

(5) In the event of the rate or charge remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the collector shall make a return showing the amount of the rate so in arrear together with all costs and charges in connection therewith; and the same shall be returned by the collector to the secretary-treasurer of the municipality at least once in every year and on such day or days as may be fixed by the council by bylaw in that behalf; and the same together with interest at the rate of ten per cent. per annum thereon shall be collected by the secretary-treasurer by the sale of the land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

6. The municipality shall not be liable for damages caused by the breaking of any service pipes or attachments or the bursting of any ditches, flumes, gates or other portion of such water or irrigation works, ditches or connections or for any interference with the water supply necessary for repair or proper maintenance of the said pipes, attachments or ditches, or connections of the same.

Municipality
not liable for
damages by
breakages
or interference
with supply

1903

(Second session)

CHAPTER 34

An Ordinance to incorporate the City of Moose Jaw.

[Assented to November 20, 1903.]

Preamble

WHEREAS the Mayor and Council of the Corporation of the Municipality of the Town of Moose Jaw have by their petition prayed that the name of the said corporation be changed to "The City of Moose Jaw," and that municipal powers be granted to "The City of Moose Jaw," and it is expedient to grant the prayer of the said petition :

THEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

City of Moose
Jaw
incorporated

1. From and after the passing of this Ordinance the inhabitants of the City of Moose Jaw as hereinafter described and their successors shall be and are hereby declared to be a body corporate within the meaning of *The Municipal Ordinance* :

Provided that the corporation of the municipality of the Town of Moose Jaw shall not be deemed to be dissolved by this Ordinance but the same shall always be deemed to be the same corporation as that known hereunder as "The City of Moose Jaw."

And provided further that the said corporation of the City of Moose Jaw shall not by virtue of this Ordinance be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing or due to any person, persons or corporations by reason of, or by virtue of any Act, Statute, Law or Ordinance, contract or proceeding heretofore passed, existing or in force ; and providing also that the change of name of the said corporation shall not affect or cause the abatement of any action or proceeding to which the corporation of the municipality of the Town of Moose Jaw is a party, but the same shall be continued as if this Ordinance had not been passed and any judgment, order or proceeding therein shall have the same effect in favour of or against the corporation by the name of "The City of Moose Jaw," as if such had heretofore been the name of the corporation, and the corporation had always been a party to such action, suit or proceeding by the name of "The City of Moose Jaw," and the said corporation under the name of "The City of Moose Jaw" shall be entitled to and is hereby vested with all the rights and privileges, real and personal property, and assets of all kinds and descriptions belonging to the corporation of the municipality of the Town of Moose Jaw with full power and authority to deal with same in all respects as though acquired under the name of "The City of Moose Jaw."

2. The City of Moose Jaw shall consist of the following Area of city land, namely: Sections thirty-two (32) and thirty-three (33) in township sixteen (16) in range twenty-six (26) west of the second meridian in the North-West Territories and the south-west quarter of section number four (4) and the south-east quarter of section number five (5) in township seventeen (17) in range twenty-six (26) west of the second meridian in the said Territories.

3. *The Municipal Ordinance* and all amendments thereto Application of Municipal Ordinance or hereafter made shall, in so far as the same are applicable, be incorporated herewith and form part of this Ordinance as fully as though the said Ordinance and all amendments thereto had in the first instance been made applicable to cities, the word "town" for the purpose of this Ordinance being deemed to include the word "city."

4. From and after the passing of this Ordinance the Aldermen councillors of the said City of Moose Jaw shall be known as "Aldermen" and shall continue their present term of office, and henceforth for the purposes of this Ordinance any reference to the members of a council shall be by way of the word "Aldermen."

5. The council of the City of Moose Jaw may pass bylaws Bylaws affecting highways for closing and selling or leasing any public highway the fee whereof is not vested in the Crown, provided that no such bylaw shall be passed unless at least two weeks' notice of the intention of the council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon the portion of the highway so proposed to be closed and sold or leased, and be published in at least two weekly issues of a newspaper published in the city previous to the passing of the bylaw; nor until any person who claims that his land will be prejudicially affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw; and any such person so claiming, petitioning and appearing shall be compensated for all damage to his land which he shall sustain by the passing of the bylaw.

6. In so far as the same refers to the corporation of the New Part VI of The Municipal Ordinance City of Moose Jaw Part VI of *The Municipal Ordinance* is hereby repealed and the following substituted therefor:

PART VI.

LOCAL IMPROVEMENTS AND ASSESSMENTS.

- 231.** The term "local improvement" shall be taken to mean: "Local improvement"
- (a) The opening, widening, straightening, extending, grading, levelling, macadamising, paving or planking of any street or public land, alley, way or place;
 - (b) Or the constructing of any sidewalk, bridge, culvert or embankment forming part of a highway;

- (c) Or the curbing, sodding or planking of any street or public lane, alley, square or other public place ;
- (d) Or the making, deepening, enlarging or prolonging of any common ditch, drain or sewer, or the reconstructing but not the mere repair and maintenance of any of the said works.

"Special
frontage
assessment"

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made, according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made.

- (a) Provided that where the local improvement abuts on several parcels of land, some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots, or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of lands may be assessed as having a smaller or larger number of feet abutting thereon than they actually have, so that each parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement ; and
- (b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor, a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land, shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances.

"Special
local benefit
assessment"

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement, whether or not such land abuts on the street or place whereon or wherein such local improvement is made, as is increased or is likely to be increased in market value, or is otherwise benefited by reason of the local improvement being made to the amount of such share of

the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion, having regard to all other parcels of land benefited by the local improvement, to such total charge.

(4) The term "cost" in relation to a local improvement shall "Cost" include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising moneys to pay the cost thereof, including discounts and interests.

(5) Where a system of waterworks or sewers has been estab- Waterworks
or sewer
extensions
lished by the corporation the cost of extensions thereof from time to time shall be borne by the corporation at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs in the same proportions as nearly as the circumstances will admit as obtained in the case of the original establishment of the system.

232. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall, with interest at a rate not exceeding six per cent. per annum, be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable, and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general civic taxes; provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land, together with interest and penalties chargeable in respect thereof, less any amounts previously paid on account thereof.

233. The council of the City of Moose Jaw may pass Bylaws
bylaws:

- (a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment, or by special local benefit assessment, and what portion, if any, shall be borne by the corporation at large, and, in the case of special frontage assessment, what lands shall be assessed in an exceptional mode

as hereinbefore provided, and the mode to be adopted and, in the case of special local benefit assessment, in what proportions the assessment is to be borne by the several lands affected; and of assessing a cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment.

And it is hereby declared that a bylaw or bylaws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special bylaw in each particular instance.

- (b) For borrowing, by the issue of debentures, upon the credit of the corporation at large, the moneys required to meet the whole or any part of the cost of any local improvement, provided (1) that bylaws for the purpose of raising moneys in respect of local improvement may be passed, comprising either the whole or any part of the amount of the entire cost thereof, although a portion thereof is to be borne by the corporation at large and a portion is to be payable by special assessment, or comprising the whole or a part of any portion of that part of the cost which is to be borne by the corporation at large, or of that part of the cost which is to be payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of ratepayers to the passing of any bylaw for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any bylaw for raising such portion of the costs as is to be borne by the corporation at large of an extension of a civic system of sewerage originally constructed as a local improvement or of any other local improvement, unless in the case of such other local improvement the share of the cost to be borne by the corporation at large shall be greater than can be properly paid out of the current revenue of the corporation for the current year, and (4) that nothing herein contained shall be construed as authorising an extension of the general debt of the corporation beyond the limits thereof fixed by this Ordinance.

- (c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the corporation at large the whole or any part of the cost of a local improvement.

And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the corporation within the meaning of this Ordinance; and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any bylaw

for borrowing money on the credit of the corporation as aforesaid, but it shall be sufficient to state in any such bylaw that the amount of the general debt of the corporation as therein set forth is exclusive of local improvement debts secured by special assessments.

234. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided. Petition or notice required

1. (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made, or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of such lands, excluding improvements thereon, as the same are valued upon the last revised assessment roll, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition.
- (b) The request of the petition may be acceded to by the council of the current or next succeeding year, either in respect of the whole or of a part; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed, having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.
2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid, unless the majority of the owners of the lands to be affected representing at least one-half in value thereof as aforesaid, petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement, such notice to be inserted once in each week for two weeks in at least one newspaper published in the corporation.
- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council, no second notice for the same shall be given by the council within the then current calendar year.
- (c) When notice of a proposed local improvement to be paid for by special assessment, as a local improvement,

has been given by the corporation and no petition sufficiently signed as aforesaid has, within the time limited in that behalf, been presented to the council against such local improvement or assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

May be
undertaken
before cost
ascertained

235. Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

Insufficient or
excessive
assessment

236. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realised to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid.

Appeal from
assessment

237. There shall be a right of appeal against every assessment made under the authority of any bylaw passed under this part of this Ordinance to a court of revision to be composed of the mayor and council of the corporation, and from such court of revision to a judge in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

Notice of
assessment

238. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby either personally or by registered letter addressed to the last post office address of the owner and the notice shall set forth:

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of local improvement;
- (d) The portion, if any, of the cost to be borne by the corporation at large;
- (e) The portion of the cost to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sittings of the court of revision for the hearing of appeals in respect of the special assessment; such sittings not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

Evidence of
notice

239. A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and

of the date thereof shall be *prima facie* evidence of the mailing of such notices, in accordance with the last preceding section, on the date mentioned in the memorandum.

240. No assessment under the provisions of this part of this Ordinance shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of section 268 of this Ordinance and before the date fixed for the sittings of the court of revision.

241. The decision of the court of revision, or of the judge if there be an appeal from the court of revision, shall be final and conclusive upon all matters respecting the assessment and special rate and the court of revision and the judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

242. Every bylaw for borrowing money for local improvements by the issue of debentures shall recite or otherwise state :

1. The amount of the debt which such law is intended to create and the object in general terms for which it is to be created ;

2. The total amount required to be raised annually for paying the debt and interest under this bylaw and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable ;

3. The total value of the land charged with the special assessment, and if any portion of the debt created by such bylaw is to be borne by the corporation at large the value of the whole ratable property of the corporation according to the last revised assessment roll ;

4. That the debt is contracted on the credit and security of the corporation at large, but as to so much as is not to be paid by the corporation at large the corporation is to collect the same only by way of special assessment as aforesaid.

7. For the purposes of this Ordinance section 143 of *The New Municipal Ordinance* is hereby repealed and the following substituted therefor :

143. The council of the corporation shall pass a bylaw authorising the levying and collecting of a rate or rates of so much on the dollar of the assessed value of the property therein as the council deems sufficient to raise the sum required to meet the amount of such estimate and to pay all valid debts of the corporation whether of principal or interest falling due within the year but there shall not be levied or assessed in

any one year more than an aggregate rate of twenty mills on the dollar exclusive of school rates and local improvement rates; provided that for the purpose of meeting the cost of any public work or works under the provisions of an Ordinance to incorporate The City of Moose Jaw the aggregate rate exclusive of school rates and local improvement rates may be increased for that purpose only, but so as not to exceed twenty-five mills on the dollar.

Municipal
Ordinance
amended

8. For the further purposes of this Ordinance *The Municipal Ordinance* is hereby amended as follows: Subsection 52 of section 95 and section 164 are hereby repealed and the following sections are added after 163 thereof, namely:

Separate
accounts to be
kept for
special rate
and sinking
fund

164. (1) (a) The council of the corporation of the City of Moose Jaw shall keep in its books two separate accounts, one for the special rate and one for the sinking fund or instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted and shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof.

Surplus in
special rate
amount

164. (b) If (after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year) there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account, or be applied in payment of the principal of such debt.

2. Provided always that any moneys levied and collected for the purpose of a sinking fund shall not in any case be applied towards paying off any portion of the current or other expenditure of the municipality save as may be otherwise authorised by this or any other Ordinance;

3. In the event of the council of the corporation diverting any of the said moneys for such current or any other expenditure save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same shall be disqualified for holding any civic office for the period of two years.

Application of
part of
produce of
special rate

164. (c) The council may by bylaw order and direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the

said council can arrange, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such bylaw, and the city council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such bylaw.

164. (d) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, city or school debentures, or in local improvement debentures of the corporation or in any other debentures of the corporation or in first mortgage on real estate to an amount not exceeding one-half of the sworn cash valuation of an independent appraiser or by way of the temporary use of an amount not exceeding one-half of the estimated amount of the civic taxes to be levied by the general rate of the current year provided that such amount shall be replaced by the end of the current year; and from time to time as such securities mature may invest in other like securities.

Investment of part of produce of special rate

(2) The council of such corporation may regulate by bylaw the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the corporation referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purpose to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

164. (e) The council may direct by bylaw that any surplus moneys in the hands of the secretary treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the corporation and the council may invest such sinking fund in any of the securities named in and according to the provisions of the preceding section.

Appropriation of surplus moneys to sinking fund

164. (f) The council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein (after paying the annual expenses thereof), or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt in payment of any instalment accruing due.

Appropriation of surplus income from public works, etc.

164. (g) No member of the said corporation shall take part in, or in any way be a party to, the investment of such moneys

Member of corporation not to be party to investment

as are mentioned in this Ordinance otherwise than is authorised by this Ordinance, or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation.

Limitation of
borrowing
power

164. (h) Section 213 of *The Municipal Ordinance* is hereby amended by adding thereto the words:

"Except for the purpose of constructing or purchasing any public work or works, under the provisions of an Ordinance to incorporate the City of Moose Jaw or assisting therein in which event, but for such purposes only, the corporation shall have power to pass such bylaws for contracting debts to the extent of, but not to a greater extent than twenty per cent. of such assessed value; and in the event of the corporation having funds or securities to the credit of a sinking fund, the amount thereof for the time being shall be deducted from the indebtedness of the corporation for the time being and the difference only shall for the purposes of this section be deemed the amount of the actual indebtedness of the corporation for the time being."

WATERWORKS AND SEWERS.

Corporation
may construct
waterworks
and sewers

9. The corporation of the City of Moose Jaw hereinafter called the corporation shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks, sewers and electric lights and all buildings, materials, machinery and appurtenances thereto belonging in the corporation and in the neighbourhood thereof as hereinafter provided, and either in connection with waterworks or not a system of storm sewers or sanitary sewers or both.

Powers

10. The corporation shall have power to employ such engineers, surveyors and other persons, and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase at the option of the corporation, such lands and buildings, waters and privileges as, in their opinion, may, during the construction or at any future time, be necessary or expedient to enable them properly to carry out the purposes of this Ordinance.

Power to enter
upon and
acquire lands

11. The corporation, their engineers, servants and workmen from time to time, and at such times as the corporation shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate in the corporation or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the waterworks or sewers and may contract with the owner or occupier of the said lands, and any person having a right or interest in any water, for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the waterworks or sewers at the option of the corporation.

12. The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Ordinance all reservoirs, waterworks and machinery requisite for the undertaking, and for conveying the water thereto and therefrom in, upon and through any lands lying intermediate between said reservoirs and waterworks, and the rivers, ponds, springs, streams or waters from which the same are procured, and the corporation by one or more lines of pipes as may from time to time be found necessary or expedient

Construction
of necessary
works

13. The corporation and their servants under their authority may, for the said purposes, enter and pass upon and over the said lands intermediate as aforesaid, and the same may cut and dig up if necessary, and may lay down the said pipes through the same and in, upon, through, over and under the highways, streets, lanes, roads or other passages intermediate as aforesaid and may for the purpose of such works enter and pass upon and over such lands as the corporation may deem expedient and the same may cut and dig up if necessary and may lay pipes, drains, sewers or other works through the same and in, through, over and under lands, highways, streets, lanes, roads or other passages.

Power to enter
upon
intermediate
lands

(2) All lands not being the property of the corporation, and all highways, roads, streets, lanes or other passages so dug up or interfered with, shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same, and for the purchasing of said lands required for the protection of the said works, or for preserving the purity of the water supply or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the community or the suburbs of the corporation or for the uses of the corporation, or for the proprietors or occupiers of the land through or near which the same may pass.

14. For the purpose of distributing water or for the purpose of sewerage as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works as well in the position as in the construction thereof, as they may deem advisable.

Power to lay
pipes

15. All works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of the corporation constructing the said works.

Property
vested in
corporation

16. Service pipes or sewers which may be required shall be constructed and laid down up to the outer line of the street by the corporation, and the corporation shall be solely responsible for keeping the same in repair.

Service pipes
or sewers

(2) In case where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected the corporation may, with the consent of the owner, lay the service pipes or sewers across such vacant space and charge the cost thereof to the owner of the premises or the owner may himself lay service pipes or sewers provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing, as hereinafter provided, of the service pipes or sewers if laid or repaired by the corporation (except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid which shall be borne solely by the corporation) or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not paid, may be collected forthwith in the same manner as water rates; provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person aforesaid exceed \$2.

Service pipes
and sewers
to be under
control of
corporation

17. The service pipes or sewers from the line of street to the interior face of the outer walls of the building supplied together with all branches, couplings, stopcocks and apparatus placed therein by the corporation, shall be under their control, and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect, or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and in default of his so doing, whether notified or not, the corporation may enter upon the lands where the service pipes are, and by their officers, agents or servants repair the same, and charge the same to the owner of the premises as hereinbefore provided.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building, or the pipes, and to prevent the flooding of the premises.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

Inspection of
premises

18. Any person authorised by the corporation for that purpose shall have free access at proper hours of the day and upon reasonable notice given, and request made, or in case of the written authority of a commissioner given in respect of the special case, without notice, to all parts of every building or other premises in which water is delivered and consumed, or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the

purpose of protecting or of regulating the use of such meter may set or alter the position of the same, or of any pipe, connection or tap, and may fix the price to be paid for the use of such meter, and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

19. The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the times of payments; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

Regulation of
use of water
and of rates

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Ordinance to be collected in the same manner as water rates, shall be a preferential lien and charge on the house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

20. The corporation may from time to time make and enforce bylaws, rules and regulations for the general maintenance or the management or conduct of the waterworks and of the officers and others employed in connection with them, not inconsistent with this Ordinance, and for the collection of the water rates and for fixing the time and times when, and the places where the same shall be payable, and also for allowing a discount for prepayment and in case of default in payment may enforce payment by shutting off the water, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant, or of any goods and chattels in his possession, wherever the same may be found, within ten miles of the property in respect of which the water rate is payable, or of any goods and chattels found on the premises, the property of or in the possession of any occupant of the premises; but where the arrears exceed three months no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate.

Power to make
and enforce
bylaws for
maintenance
and manage-
ment of works
and collection
of rates

(2) The distress and sale may be conducted in the same manner as distress sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under *An Ordinance respecting Distress for Rent and Extra-judicial Seizure*.

21. The corporation shall have power to employ the ordinary collectors and assessors and such other persons as in their

Power to
employ
collectors and
others

opinion may be necessary to carry out the objects of this Ordinance, and to specify their duties and to fix their compensation and all such persons shall hold their offices at the pleasure of the corporation, or as the corporation shall determine by bylaw in that behalf, and shall give security as the corporation shall from time to time require, and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the corporation may by law possess and enjoy in respect of civic taxes.

Non-liability
for breakage
or stoppage

22. The corporation shall not be liable for damages caused by the breaking of any service pipes or attachment in the absence of negligence, or for any shutting off of any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time.

Power to
supply water
outside of
city

23. The said corporation shall have power and authority to supply with water, upon special terms, any person or corporation outside the city, and may exercise all other power necessary to the carrying out of their agreement with such corporation or person, as well within the suburbs as within the city, and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company, manufactory, industry or institution, whether Government or otherwise, within ten miles of the corporation.

Power to make
bylaws
prohibiting
wrongful use
of water and
regulating
supply

24. The corporation may make such bylaws as to the council may seem requisite for prohibiting, by fine not exceeding \$20 and costs, or by imprisonment in the first instance, for any term not exceeding one month, any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, from lending, selling, or disposing of the water thereof from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit or from increasing the supply of water agreed for with the corporation, or from wrongfully neglecting or improperly wasting the water.

(2) And may also make bylaws regulating the time, manner, extent and nature of the supply by the works, to the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate, or determine, in order to secure the inhabitants of the corporation a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment shall

be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of such bylaw.

25. In case a petition signed by two-thirds of the resident ratepayers of the corporation qualified to vote on bylaws requiring the assent of the electors is presented to the council of the corporation asking for the construction of waterworks under the powers conferred on the corporation by this Ordinance—

Petition for construction of waterworks

(2) It shall be the duty of such council to submit a bylaw for the construction of such waterworks to the vote of the ratepayers of the corporation, and such council shall forthwith prepare a bylaw directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such council, and shall submit the same to the vote of the ratepayers within six weeks after the receipt of the petition by the council.

(3) The power of the city council shall not be deemed to be abridged by this Ordinance, except as expressly stated herein.

(4) The proceedings in taking the vote, and the persons having the right to vote shall be the same as nearly as may be as are required by *The Municipal Ordinance* in case of bylaws creating debts.

26. If the bylaw be approved of by two-thirds of the duly qualified ratepayers voting thereon, it shall be the duty of the council to pass the bylaw and forthwith to proceed in the construction of the works; provided always that the council may, for any good cause, if deemed expedient by a vote of two-thirds of its members, hold the works in abeyance until after the next general civic election.

If bylaw approved council to construct works

LIGHTING, HEATING AND POWER WORKS.

27. The corporation shall have power to manufacture and supply for the use of the corporation, and of all persons, gas (including natural gas), for heating, cooking and all other purposes for which gas can be used, and to manufacture and supply electric, galvanic or any other artificial light or heat or power either in connection with gas or otherwise, and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light or heat or power, and also to supply, sell or lease all fittings, machines, apparatus, meters or other things for the purposes aforesaid.

Corporation may construct gas works, etc.

(2) The corporation may sell or dispose of coke, tar and every other product refuse, or residue obtained in or from their said works and any surplus of coal they may have on hand.

(3) The corporation shall have power to rent, purchase or lease such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

Corporation
may break up
streets and

28. The corporation or their servants under their authority may for the purpose of laying down, taking up, examining, or keeping in repair the pipes or wires used for conducting the gas, electricity, or other means of producing light or heat, or power, break up, dig and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the corporation; or, with the consent of the owner, in, upon, through, over or under, any private property; or may, upon poles or otherwise, conduct such wires and rods along and across such streets, lanes, roads, squares and other public passages and places, or with the consent of the owner upon private property.

May carry
pipes and
wires through
parts of
buildings

29. Where there are buildings within the corporation different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the corporation may with the consent of the owner carry pipes, wires or rods, to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the gas, electricity, or other means of providing light or heat or powers to the property of another, or in the possession of another.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

May also break
up passages

30. The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

Public health
and safety not
to be
endangered

31. The corporation shall construct their gas and other works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety.

Corporation to
supply
buildings on
request

32. Where the corporation has constructed any works for supplying the city with light, heat or power, as hereinbefore provided, and where there is a sufficient supply thereof it shall be the duty of the corporation to supply all buildings within the city situate upon land lying along the line of supplies, upon the same being requested by the owner, occupant or other person in charge of any such building at the customary charges and on the customary terms.

33. The corporation may from time to time make and enforce all necessary bylaws, rules and regulations for the general maintenance and management of all the works constructed or maintained under this Ordinance, and of the officers or others employed in connection with them, and for the collection of the rates and charges for supplying gas or electricity, or other means of providing light or heat or power hereunder and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges, and rents, and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they may deem expedient.

Powers to make bylaws for maintenance and management of works and collection of rates

34. The corporation may enforce payment of such rates, charges or rents by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the city in which the gas, electricity or other means of providing light, heat or power is supplied.

Power to enforce payment of rates

(2) Such distress and sale shall be conducted in the same manner as distress sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *An Ordinance respecting Distress for rent and Extra-judicial Seizure*.

(3) Where any consumer discontinues the use of gas or other means of providing light or heat or power furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with gas, or the means of providing light or heat or power, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes, or other things being the property of the corporation, in or upon such premises and may remove the same therefrom, doing no unnecessary damage.

35. The said corporation shall have power and authority to supply with gas (including natural gas) for heating, cooking, and all other purposes for which gas can be used, electric, galvanic, or any other artificial light or heat or power, either in connection with gas or otherwise, upon special terms, any person or corporation outside the city, and may exercise all other power necessary to the carrying out of their agreement with such corporation or person, as well within the suburbs as within the city, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of such light, heat or power to any railway company, manufactory or industry or institution, whether government or otherwise, within ten miles of the corporation.

Power to extend works beyond city

36. In case any person, firm or company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of the suburbs the corporation shall

Restrictions when mains already existing

not, without the consent of such person, firm or company first had and obtained, nor otherwise than upon payment to such person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of the main pipes of such person, firm or company or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the corporation.

GENERAL.

No unnecessary damage to be done

37. The corporation shall do as little damage as may be in the execution of the powers by this Ordinance granted to them, and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the corporation or injuriously affected by the exercise of its powers; and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in *The Municipal Ordinance*.

Attempt to collect rates not to invalidate lien

38. The attempt to collect any rates by process hereinbefore mentioned shall not in any way invalidate the lien on the premises as hereinbefore provided.

(2) In event of the rate remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the amount of the rate so in arrears shall be returned by the collectors to the secretary treasurer or clerk of the city annually on or before the eighth day of April in each and every year, or such other time as may be fixed by the corporation by bylaws in that behalf, and the same, together with interest at the rate of six per cent. per annum thereon, shall thereupon be collected by the secretary treasurer or clerk by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of lands for arrears of municipal taxes, for the time being.

Protection and powers of officers

39. The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective offices, and the execution of their duties as public officers have under the laws of the Territories, and the watchman, and other officers of the corporation, when in the discharge of their duties, shall be ex-officio possessed of all powers and authority of constables.

Property exempt from execution

40. All materials procured, or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract, shall be exempt from execution.

Property exempt from taxation

41. The lands, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings, and all other real or personal property connected with or appertaining or belonging to any work under this Ordinance shall be exempt from taxation for civic, school or other purposes.

42. No property owned by the corporation under the authority of this Ordinance shall be liable to seizure by way of distress for rent. Property exempt from seizure for distress

43. The corporation may dispose of any real or personal property acquired by them for the purposes of this Ordinance when no longer required, and until sold, may rent or lease the same; any property so sold shall be free from any charge or lien on account of any debentures or other securities issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon, but may be reinvested in similar property under the authority of this Ordinance, which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the corporation and may be applied accordingly. Power to sell property when no longer required

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security by way of mortgage to secure the same, and the corporation shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person, and every such mortgage, and the proceeds thereof, shall be subject to the provisions of the first subsection of this section.

44. No member of the city council shall personally have or hold any contract in connection with any works under this Ordinance, or be directly or indirectly interested in the same, or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water, light, heat or power supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water, light, heat or power to such person. No member of council to be interested in any contract

45. All persons and corporations who shall by themselves, their servants or agents, by act, default, neglect or omission, occasion any loss, damage or injury to the public works constructed under the provisions of this Ordinance or to any plant, machinery, fitting or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss or injury and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction. Liability of persons doing damage

46. The corporation may purchase or lease any works constructed for the supply of water, light, heat and power within or in the neighbourhood of the corporation and being the property of any person or company, and, under the provisions of this Ordinance, may improve and extend such works. Power to purchase or lease existing works

Penalties

47. If any person does or commits any of the following acts—

(1) Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Ordinance authorised and contained ;

(2) Wilfully or maliciously lets off or discharges water or gas, so that the same runs waste or useless ;

(3) Not being in the employment of the corporation and not being a member of the fire brigade and duly authorised in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber pipe, or hydrant chamber, by placing on it any building material, rubbish or other obstruction ;

(4) Throws or deposits any injurious, noisome, or offensive matter into the water or waterworks, or upon the ice in case such water is frozen, or in any way fouls the water or commits any wilful damage or injury to the works, pipes, or water or encourages the same to be done ;

(5) Wilfully alters any meter placed upon any service pipe or connected therewith, within or without any house, building or other place, so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorised by the corporation for that particular purpose and occasion ;

(6) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works, or in any way obtains or uses any water, gas or electricity thereof without the consent of the corporation ;

(7) Washes or cleanses cloth, wool, leather, skin, or animals, or places any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcass, or other noisome or offensive thing therein, or within the distance as above set forth, causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled, and if such person is convicted of such act before a justice of the peace, he shall for every such offence, forfeit and pay a sum not exceeding \$20 and not less than \$1, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days.

Application of penalties

48. The penalties in money under the last preceding section, or any portion of them which may be recovered, shall be paid to the convicting justice, and by him paid, one half to the treasurer of the corporation, and the other half to the prosecutor unless the prosecutor is the officer or servant of the corporation, in which case the whole of the penalty shall be paid to the corporation.

49. Any civic public work provided for in this Ordinance may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings, or in conjunction as one entire undertaking. May be constructed as separate undertaking

50. It is hereby provided that any public work or works constructed or acquired under this Ordinance, and all lands acquired for the purpose thereof, and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the corporation, and shall not be liable for any debt of the corporation heretofore or hereafter contracted by the corporation on the credit of the corporation at large, and such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed at the credit thereof by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such securities shall have a preferential lien and charge on the said works, lands, appurtenances and revenues for the securing of the repayment of the same and the interest thereon, irrespective of the order in which the same are issued. Money borrowed to be a charge on works

51. After the construction of the works all the revenues arising from and out of the supplying of water, light, heat or power or from the real and personal property connected with the works to be acquired by the corporation under this Ordinance, shall, after providing for the expenses attendant upon the maintenance of the works, and after payment of the amount payable for principal and interest, or sinking fund and interest up to the end of the then current year, shall, year by year, be transferred to and form part of the general funds of the corporation and may be applied accordingly. Application of revenue

52. In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon the holder or holders of such debentures shall be at liberty, as often as such default shall happen, and shall have continued for the space of twelve months, but without prejudice to the jurisdiction of any competent court, to interfere before the expiration of such period, to enter upon and take possession of the public work or works, lands and appurtenances and operate the same until all arrears of principal and interest, and the reasonable costs and expenses of taking possession and of operating the same shall be fully paid, and may on such terms as any competent court or a judge thereof may order, advertise and sell the said public work or works, lands and appurtenances by public auction, and apply the proceeds of such sale in repayment of the moneys so borrowed, and interest and costs and expenses, and the balance, if any, remaining after such payment shall be paid over to the corporation. Effect of default in payment

Rights of
purchasers

53. The purchaser or purchasers on any such sale, and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchises relating to the construction, maintenance, working and conduct of the work or works which are by this Ordinance conferred upon the corporation, subject to the right of the corporation to resume the ownership thereof at the expiration of ten years from such sale, on giving six months' notice and on payment, within six months after such period of ten years at a valuation to be ascertained by arbitration, subject to the assent of the ratepayers, as in the case of the original construction or purchase of said works.

Right of
corporation to
resume
ownership of
works

54. In case the corporation fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period the corporation may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns.

Powers to
borrow to be
in addition to
powers under
Municipal
Ordinance.

55. It is hereby declared that the powers of borrowing and issuing of debentures in this Ordinance provided for are not to be accounted as diminishing the powers of the corporation to borrow and issue debentures conferred by *The Municipal Ordinance*, nor are they to be taken as restricting the power of the corporation to borrow and issue debentures on the credit of the corporation at large under *The Municipal Ordinance* within the limit of amount therein provided for, for the purpose of constructing or purchasing any such public work or works, or assisting therein, and in borrowing for the purposes aforesaid, or for the purpose of constructing a system of sewerage in connection with a system of waterworks, the corporation in borrowing, whether under the provisions of this Ordinance, or of *The Municipal Ordinance*, may extend the time of repayment for any term up to fifty years.

(2) Debentures issued in pursuance of a bylaw passed under the authority of this Ordinance may be dated as of the actual date of the issue thereof, provided such date be within four years from the date of the final passing of the bylaw, and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

Special
frontage rate

56. For the purpose of assisting in the payment of any debentures issued for the purpose of waterworks constructed or acquired under the provisions of this Ordinance, and the interest thereon, it shall and may be lawful for the corporation to provide by bylaw for the assessment and collection of a special tax or rate in each year not exceeding four mills in the dollar upon the several properties according to the assessed value thereof, fronting or abutting on the street in, through and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of the use of water from the said main, distant not more than 300 feet therefrom, for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for

general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks, and the annual instalment of principal, or the annual amount of payment to the sinking fund for the payment of the principal thereof, provided that the collector of taxes, upon the production by the owner or occupant using said water of the receipt for payment of the rent chargeable for the use thereof during the year, or such proportion thereof as equals such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorised to be levied by this section.

57. The corporation may itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon it or the council may, either before the commencement of the works or at any time while they are in the course of construction, or after their completion by bylaw provide for the appointment of one or more commissioners for such purpose.

Corporation
may appoint
commissioners

(2) Upon the appointment of a commissioner or commissioners all the powers, rights, authorities or immunities which, under this Ordinance, might have been exercised or enjoyed by the council, and the officers of the corporation acting for the corporation shall, and may be exercised by the commissioner or commissioners, and the officers appointed by him or them, and the council thenceforth, during the continuance in office of the commissioner or commissioners, shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works shall be continued until removed by the commissioner or commissioners, unless his engagement shall sooner terminate.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the clerk or secretary treasurer of the city shall, upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

58. The commissioner or commissioners shall be appointed from time to time by bylaw of the council on such terms and at such a salary as they may deem expedient, but such bylaw shall not take effect until approved by the Lieutenant Governor in Council, and shall cease to be valid after one month's notice from the Lieutenant Governor in Council that such approval has been withdrawn, and no repeal or amendment of any such bylaw appointing a commissioner or commissioners shall be valid unless nor until such repeal or amendment has been approved in like manner, except as hereinafter provided.

Bylaw
appointing
commissioners
to be approved
by Lieutenant
Governor

59. Every commissioner shall, before taking office, give such security for the performance of his duties as the council shall require.

Security of
commissioner

Commissioner
not to be
interested in
any contract

60. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same or any of them.

Council may
remove
commissioners
and assume
work

61. The council of the corporation in case the construction of the works be entrusted to a commissioner or commissioners may by bylaw at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the works and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioner or commissioners shall be transferred to and vested in the council; but any officer or employee appointed or employed by the commissioner or commissioners in or about the construction or management of the works shall be continued until removed by the council unless his engagement be sooner terminated.

Accounts to
be kept by
commissioners

62. The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds or assets belonging to the works, and all such books shall be open to the examination of any person appointed for that purpose by the council.

(2) The commissioner or commissioners, on or before the 15th day of January in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing a statement of the affairs of the works, which shall show the amount of the rents, issues and profits arising from the works, and the number of consumers during the previous year; the extent and value of the movable and immovable property belonging to the works, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund, the expenses of collection and management and all other contingencies, the salaries of officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may have been acquired for the use of the works, and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(3) The commissioner or commissioners shall also from time to time furnish such information as may be required by the council.

(4) All accounts relating to the works shall be audited by the auditor for the corporation in regular course, and the commissioner or commissioners, and all the officers, shall furnish to the officers such information and assistance as may be in their power to enable the officers to properly audit such accounts.

63. The commissioner or commissioners and the clerks employed in their revenue service shall be sworn before a justice of the peace for the faithful performance of their duties; the commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings, and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section.

Oath of
office and
records of
proceedings

1903

(Second session)

CHAPTER 35

An Ordinance to incorporate "The Cypress Club.

[Assented to November 21, 1903.]

Preamble

WHEREAS the persons hereinafter named and others in the Town of Medicine Hat and vicinity have associated themselves together for the establishment of a club for social purposes ;

And Whereas the said persons hereinafter named have prayed to be incorporated by the name of "The Cypress Club" of the Town of Medicine Hat in the North-West Territories and it is expedient to grant their prayer ;

THEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Incorporation

1. William Cousins, O. W. Keely, F. L. Crawford, A. P. Day, E. J. R. Wolton, Alfred E. Whiffen, J. H. G. Bray, W. R. Johnston, Walter Huckvale, A. Des Brisay, F. O. Sissons, E. K. Strathy, F. G. Forster, E. M. Cawker, C. R. Mitchell, A. C. Hawthorne, C. B. Lockhart, Chas. S. Pingle, Don. Guthrie White, T. Hutchinson, Robt. Nelson, D. Milne, George R. Tinning, H. A. Hunter, E. J. Fewings, Thomas Tweed, J. K. Drinnan, James Fleming, Francis F. Fatt, Robt. Holt, J. Cook, E. L. McKee, C. E. Smyth and all such other persons as are now or hereinafter shall become members of the said association shall be and are hereby declared to be a body corporate and politic in deed and in name by the name of The Cypress Club and by that name shall have perpetual succession and a common seal and shall have power from time to time and shall at all times hereafter be able and capable to purchase, acquire, hold, possess and enjoy and to have, take and receive to them and their successors and to and for the actual use of the said corporation any lands, tenements, hereditaments and real and immovable property and estate situate, lying and being within the said Town of Medicine Hat and the same to sell, alienate, exchange and otherwise dispose of or incumber whensoever the said corporation shall deem it proper so to do and by the same name shall and may be capable to sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever.

Constitution,
rules and
regulations

2. The constitution, rules and regulations touching the administration of the said corporation shall be formulated at a general meeting thereof called for that purpose and of which

at least ten days' notice shall be given by public advertisement or otherwise to all the members thereof; and the constitution, rules and regulations then adopted shall have full force and effect in so far as the same shall not be inconsistent with the laws in force in the Territories and the provisions of this Ordinance:

Provided always that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner therein provided.

3. The said corporation may from time to time borrow money not to exceed in the whole the sum of \$25,000 at such rate of interest and upon such terms as they may deem proper and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments under the seal of the said corporation. Borrowing power

4. Any such mortgage, bond, debenture or other instrument shall be signed by the president of the said corporation and countersigned by the secretary. Execution of mortgages, etc.

5. The moneys authorised to be raised under the provisions of section 3 of this Ordinance shall be applied exclusively in the purchase of a site for the club buildings and in the purchase, improvement or erection of a club house and dependencies thereon together with necessary furniture or for the purchase of any freehold interest therein and in the payment of any mortgage or charge thereon and for the redemption of the said debentures and reissues as they become due respectively from time to time and at all times. Application of moneys borrowed

6. No member of the corporation shall be in any way liable for or chargeable with the payment of any debt or demand due by the said corporation beyond the extent of the entrance fee and annual subscriptions remaining unpaid by said member and for any unpaid accounts he may have incurred to the corporation for articles ordered by him in said club; and any member of the said club not so indebted to the said corporation may retire therefrom and will cease to be a member on giving notice to that effect in such form as may be required by the constitution, rules and regulations of the said club and thenceforth shall be free from liability for any debt or engagement of the corporation. Members not liable for debts of club

7. The said corporation shall have power to draw, make, accept and indorse all bills of exchange and promissory notes necessary for the purposes of the said corporation under the hands of the president and secretary thereof after authority of the committee of the said corporation so to do; and in no case shall it be necessary that the seal of the corporation be affixed to any such bill or note nor shall the president or secretary be individually liable or responsible therefor: Bills of exchange

Provided that nothing herein contained shall be construed to authorise the corporation to issue notes or bills of exchange

payable to bearer or intended to be circulated as money or as notes or bills of a bank.

Power to lease **8.** Notwithstanding anything hereinbefore contained the said corporation shall have power to lease any portions of the real estate held by the said corporation upon such terms and for such period as may be agreed upon.

Short title **9.** This Ordinance may be cited as "*The Cypress Club Ordinance.*"

CHRONOLOGICAL TABLE

OF

The Consolidated Ordinances 1898 and all Subsequent Ordinances.

LIST OF ABBREVIATIONS: aff affecting; am amending; rep repealing.

Year and Chapter of Ordinance	C. O. 1898	Chap.	SUBJECT MATTER	Year and Chapter of Ordinance affecting. amending or repealing					
				1899	1900	1901	1902	1903 (1st session)	1903 (2nd session)
			Interpretation						
		1	Legislative Assembly	2, am		2, am		3, am	
		2	Elections	3, am			2, am	4, am	2, am
		3	Controverted Elections				3, am		
		4	Public Service			3, am			
		5	Department of Attorney General						
		6	Department of Territorial Secretary						
		7	Department of Agriculture						
		8	Department of Public Works			4, rep			
		9	Treasury Department and Auditing			5, am			
		10	Public Printing			6, am			
		11	Public Inquiries					5, am	
		12	Security by Public Officers		2, am				
		13	Vital Statistics		3, am	4, rep			
		14	Expropriation	4, am		7, rep			
		15	Coal Mines Regulations			4, rep			
		16	Steam Boilers Inspection						
		17	Ferries				4, rep		
		18	Public Health						
		19	Hospitals			8, rep			
		20	Judicature	5, am	5, am	10, am	5, am	8, am	6, am
		21	Clerks	6, am	6, am	14, am			
		22							

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing					
		1899	1900	1901	1902	1903 (1st session)	1903 (2nd session)
C.O. 1898							
Chap. 23	Sheriffs.....						
24	Commissioners.....		7, am				
25	Notaries Public.....					10, am	
26	Creditors' Relief.....						
27	Exemptions.....			16, am			
28	Juries.....						
29	Alimony.....						
30	Slander.....						
31	Limitation of Actions.....						
32	Justices of the Peace.....		8, am				7, am
33	Constables.....						10, am
34	Distress.....						
35	Arbitration.....						
36	Investigation of Fires.....						
37	Tenancy in common.....						
38	Religious Societies' lands.....						
39	Sales of Goods.....						
40	Factors and Agents.....						
41	Choses in Action.....						
42	Preferential Assignments.....						
43	Mortgages and Sales of Personal Property.....		12, am				12, rep in part
44	Conditional Sales.....						
45	Partnerships.....						
46	Marriages.....			17, am		11, am	
47	Married Women's Property.....						
48	Compensation for Injuries.....						
49	Insurance for Wife and Children.....						
50	Masters and Servants.....						
51	Legal Profession.....	8, am	14, am	18, am			13, am
52	Medical Profession.....		15, am				14, am
53	Dentistry.....	9, am	16, am			12, am	15, am
54	Chemists and Druggists.....				6, am		16, rep
55	Veterinary Surgeons.....				7, am		
56	Hotels and Boarding houses.....	10, am					17, am
57	Livery Sales Stables.....						

58	Auctioneers, Hawkers and Pedlars						
59	Mechanics' Liens	11, am					18, am
60	Threshers' Liens						
61	Companies		17, am			19, am	
62	Changing Names of Companies					20, rep	
63	Foreign Companies		18, am			*22, rep	14, rep
	*(Disallowed, Can. Gazette, Vol. XXXV, p. 2417)						
64	Mining Companies		19, am			20, rep	
65	Dairy Associations						
66	Benevolent Societies						
67	Mechanics' Institutes						
68	Cemeteries						
69	Agricultural Societies.	13, am 14, rep 15, am					
70	Municipalities		23, am			23, am	9, am 18, am 19, am
71	Assessment of Railways.						
72	Villages	16, am	25, rep			27, rep	
73	Local Improvement	17, am				28, am	25, am
74	Irrigation Districts	18, am				29, rep	
75	Schools		26, am				
76	Marking and Inspection of Stock	19, rep in part	22, rep				
77	Fences.	21, am	27, am				28, rep
78	Stallions and Bulls		28, am				
79	Pound Districts		29, am				
80	Stray Animals		30, am				
81	Herding of Animals.						
82	Protection of Sheep.						
83	Injury of Stock by Railway Trains						
84	Noxious Weeds						
85	Protection of Game	22, rep				32, am	29, rep
86	Pollution of Streams	23, am					
87	Prairie and Forest Fires						30, am
88	Chimneys						
89	Sale of Intoxicating Liquor.		32, am			33, am	
90	Insane Persons						26, am
91	Profanation of Lord's Day	24, am					
92	Use of Tobacco by Minors						
93	General Trust Corporation of Canada.						

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing				
		1899	1900	1901	1902	1903 (1st session) 1903 (2nd session)
1899						
Chap. 1	Appropriation					
2	Legislative Assembly					
3	Election					
4	Coal Mines Regulations.		3, am			
5	Judicature					
6	Clerks					
7	Partnership.					
8	Legal Profession					
9	Dentistry					
10	Veterinary Surgeons.					
11	Threshers' Liens			20, rep		
12	Companies Winding Up					
13	Agricultural Societies	14, rep				
14	"		21, am			17, rep
15	Municipalities		25, rep			
16	Villages			26, aff 27, rep		
17	Local Improvement					
18	Irrigation Districts					
19	Inspection of Stock					
20	Horse Breeders.				23, rep	
21	Fences					28, rep
22	Noxious Weeds		31, am		24, rep	29, rep
23	Protection of Game					
24	Insane Persons					
25	Calgary General Hospital					
26	City of Calgary					
27	Indian Head.		38, am		27, am	
28	Town of Stratheona.					
29	Edmonton Club				32, am	
30	Qu'Appelle Grist Mill					
31	Peace River Gold Dredging Company					

1	Appropriation				
2	Vital Statistics				
3	Coal Mines Regulations				
4	Public Lands	4, rep			
5	Judicature				
6	Clerks				
7	Sheriffs				
8	Justices of the Peace				
9	Remission of Penalties				
10	Confirmation of Tax Sales	12, rep			
11	Assignments for Creditors				
12	Mortgages and Sales of Personal Property				
13	Workmen's Compensation				
14	Legal Profession				
15	Medical Profession				
16	Dentistry				
17	Companies	20, rep			
18	Foreign Companies	*22, rep	14, rep		
* (Disallowed Can. Gazette Vol. XXXV, p. 2417)					
19	Mining Companies				
20	Hail Insurance	20, rep			
21	Agricultural Societies	9, rep			
22	Brands		17, rep		
23	Municipalities		22, am		
24	Municipal Grants				
25	Villages				
26	Schools	25, rep			
27	Fences	29, rep			
28	Stallions and Bulls				28, rep
29	Pound Districts				
30	Stray Animals				
31	Noxious Weeds				
32	Sale of Intoxicating Liquor				
33	Provident Trust and Investment Company				
34	Presbyterian Church		24, rep		
35	Edmonton Municipal Works				
36	Town of Edmonton			15, am	
37	Town of Lethbridge				32, am
38	Indian Head				
39	City of Calgary				

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing				
		1899	1900	1901	1902	1903 (1st session)
1900						1903 (2nd session)
Chap. 40	South Qu'Appelle.....					
41	Town of Yorktown.....					
42	Regina Hospital.....				24, am	31, am
43	Edmonton Public Hospital.....					34, am
44	Prince Albert Victoria Hospital.....					
45	Medicine Hat General Hospital.....					
1901						
Chap. 1	Appropriation.....					
2	Interpretation.....					
3	Public Service.....					
4	Public Works.....					6, rep ss. 31-46
5	Public Printing.....					3, am
6	Public Printing.....					
7	Steam Boilers.....					4, am
8	Hospitals.....					
9	Hail Insurance.....					7, rep
10	Judicature.....					
11	Decision on Constitutional Questions.....					
12	Confirmation of Tax Sales.....					9, am
13	Devolution of Estates.....					
14	Clerks.....					
15	Official Auditors.....					
16	Exemptions.....					
17	Marriages.....					
18	Legal Profession.....					
19	Threshers' Liens.....					
20	Companies.....					
21	Water, Gas, Electric and Telephone Companies.....					
22	Foreign Companies.....				*8, am (Disallowed)	
23	Municipalities.....					19, am
24	Exemption of Beet Sugar Factories.....					20, am
25	Villages.....					22, am
						23, am

26	Local Improvement						24, rep
27	"						
28	Irrigation Districts						27, am
29	Schools					21, am	27, aff
30	School Assessment						
31	School Grants						
32	Protection of Game						29, rep
33	Sale of Intoxicating Liquor					26, am	
34	North Eastern Stock Growers' Association						
35	British Canadian Trust and Guarantee Com- pany						
36	Saskatchewan Exploration Company					14, am	
37	Chinook Club of Lethbridge						
38	Town of Whitewood						
39	Town of Wolseley						
40	City of Calgary					27, am	
41	"						
42	Town of Red Deer						
43	Town of Cardston						
1902							
1	Appropriation						
2	Legislative Assembly						
3	Elections					4, am	2, am
4	Public Health						
5	Judicature						23, aff
6	Dentistry						
7	Chemists and Druggists						
8	Foreign Companies (<i>Disallowed.</i>)						
9	Municipalities						
10	Protection of Game						29, rep
11	Protection of Useful Birds						
12	R.C. Bishop of Athabasca						
13	Sisters of Charity						
14	Saskatchewan Exploration Company						
15	Edmonton Municipal Works						32, aff
16	Town of Edmonton						32, am
17	City of Calgary						
18	Town of Lethbridge						
19	Indian Head					30, am	
20	Town of Indian Head						

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing				
		1899	1900	1901	1902	1903 (1st session)
1902						1903 (2nd session)
Chap. 21	Red Deer Memorial Hospital.....					
22	Memorial Hospital of Pincher Creek.....					
23	Yorkton Cottage Hospital.....					37, am
24	Regina Hospital.....					
25	National Trust Company.....					
1903 (1st sess.)						
Chap. 1	Appropriation (interim).....					
2	".....					
3	Interpretation.....					
4	Legislative Assembly.....					2, am
5	Public Inquiries.....					
6	Drainage.....					
7	Hail Insurance.....					
8	Judicature.....					
9	Confirmation of Tax Sales.....					
10	Notaries Public.....					
11	Marriages.....					
12	Medical Profession.....					
13	Companies Winding Up.....					19, am
14	Foreign Companies.....					
15	Trust Companies.....					20, am
16	Fire Insurance Policy.....					
17	Agricultural Societies.....					22, aff 23, am
18	Municipalities.....					
19	".....					
20	Villages.....					
21	School Assessment.....					
22	Brands.....					
23	Horse Breeders.....					
24	Noxious Weeds.....					
25	Prairie Fires.....					30, aff
26	Sale of Intoxicating Liquor.....					
27	City of Calgary.....					

28	City of Regina				
29	Town of Moosomin				
30	Town of Lethbridge				
31	Town of Yorkton				
32	Town of Strathcona				
33	Moose Jaw Municipal Works				
34	Regina Victoria Hospital				
35	Calgary General				
36	Galt Hospital				
37	Yorkton Cottage Hospital				
38	Moose Jaw General Hospital				
39	Western Canada College				
40	Western Canada Historical Society				
41	Macleod Club				
42	Russo-Greek Catholic Church				
43	Western Stock Growers Association				
44	Toronto General Trusts Corporation				
1903					
(2nd sess.)					
Chap.	1	Appropriation			
	2	Legislative Assembly			
	3	Public Works			
	4	Steam Boilers			
	5	Succession Duties			
	6	Judicature			
	7	Limitation of Actions			
	8	Seduction			
	9	Support of Illegitimate Children			
	10	Justices of the Peace			
	11	Trustees			
	12	Conditional Sales			
	13	Masters and Servants			
	14	Legal Profession			
	15	Medical Profession			
	16	Dentistry			
	17	Veterinary Surgeons			
	18	Mechanics' Liens			
	19	Foreign Companies			
	20	Fire Insurance Policy			
	21	Mutual Fire Insurance			
	22	Municipalities			

CHRONOLOGICAL TABLE—Continued.

Year and Chapter of Ordinance	SUBJECT MATTER	Year and Chapter of Ordinance affecting, amending or repealing				
		1899	1900	1901	1902	1903 (1st session)
1903 (2nd sess.)						1903 (2nd session)
Chap. 23	Villages					
24	Local Improvement					
25	Irrigation Districts					
26	University					
27	Schools					
28	Fences					
29	Protection of Game					
30	Prairie and Forest Fires					
31	Legalise certain Marriages					
32	Town of Edmonton					
33	Town of Raymond					
34	City of Moose Jaw					
35	Cypress Club					

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Insurance, Fire, Uniform Conditions in Policies of, Ordinance to secure, amended	72
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Judicature Ordinance amended.....	28
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Steam Boilers, Ordinance respecting, amended.....	16
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